

Office of Superintendent of Schools  
Board Meeting of February 11, 2009

February 10, 2009

Office of School Facilities  
Jaime G. Torrents, Chief Facilities Officer

**SUBJECT: PROPOSED PROMULGATION OF NEW BOARD RULE: INITIAL  
READING 6Gx13- 7A-1.12, UTILITY EASEMENTS**

**COMMITTEE: FACILITIES AND CONSTRUCTION REFORM**

**LINK TO**

**STRATEGIC PLAN: IMPROVE CONSTRUCTION SERVICES**

This item is submitted for consideration by the Board to promulgate new School Board Rule 6Gx13- 7A-1.12, Utility Easements. As part of capital projects, utility easements are often required to provide utility services to a School Board facility. In certain instances, a capital project may necessitate vacating an existing utility easement in order to either relocate or abandon such easement. The purpose of this new rule is to make the process of granting or vacating utility easements more efficient and timely by allowing the Chief Facilities Officer to determine the need for such an easement, and forward the necessary documents for execution by the School Board Chair and Superintendent of Schools, without additional action by the School Board. Prior to execution, the actual instrument will be forwarded to the School Board Attorney's Office for review and approval. The Board will be notified of any easements executed by the Chair and Superintendent. Notwithstanding the foregoing, any utility easements that impose a cost to the School Board, other than routine costs which are already contemplated as part of the project's cost of surveying, preparation of legal descriptions and related application fees, must be presented to the School Board for review and approval prior to entering into same.

ADDED

Attached are the Notice of Intended Action and proposed new rule.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for promulgation of new School Board Rule 6Gx13- 7A-1.12, Utility Easements.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to promulgate new School Board Rule 6Gx13- 7A-1.12, Utility Easements.

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**REVISED**  
**F - 100**

**NOTICE OF INTENDED ACTION**

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on February 11, 2009, its intention to promulgate new School Board Rule 6Gx13- 7A-1.12, Utility Easements, at its meeting of March 18, 2009.

**PURPOSE AND EFFECT:** To make the process of granting or vacating utility easements more timely and efficient by allowing the Chief Facilities Officer to determine the need for such an easement, and forward the necessary documents for execution by the School Board Chair and Superintendent of Schools, without additional action by the School Board. Notwithstanding, any utility easements that impose a cost to the School Board, other than routine costs which are already contemplated as part of the project's cost of surveying, preparation of legal descriptions and related application fees, must be presented to the School Board for review and approval prior to entering into same.

ADDED

**SUMMARY:** As part of capital projects, utility easements are often required to provide utility services to a School Board facility. In certain instances, a capital project may necessitate vacating an existing utility easement in order to either relocate or abandon such easement. The new School Board Rule will make the process of granting or vacating utility easements more efficient and timely by allowing the District to effectuate such easements without additional action by the School Board, with the exception of those easements that impose a cost to the School Board.

ADDED

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** 1001.41(1), (2); 1001.42(25); 1001.43(10) F.S.

**LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC:** 1001.41(1); 1001.42(2) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF March 18, 2009, which begins at 1:00 p.m., in the School Board Administration Building, School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida, 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., were requested to do so in writing by March 10, 2009, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings including the testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

A COPY OF THE PROPOSED NEW RULE is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 Northeast Second Avenue, Miami, Florida 33132.

Originator: Ms. Ana Rijo-Conde  
Supervisor: Mr. Jaime G. Torrens  
Date: February 10, 2009 ] REVISED

Planning**UTILITY EASEMENTS****I. General Statement of Policy**

As part of capital projects, utility easements are often required to provide utility services to a School Board facility. In certain instances, a capital project may necessitate vacating an existing utility easement in order to either relocate or abandon such easement.

**II. Intent – The intent of this Board Rule is as follows:**

a. To make the process of granting or vacating utility easements more efficient and timely by allowing the Chief Facilities Officer to determine such a need, and forward the necessary documents for execution by the School Board Chair and Superintendent of Schools, without additional action by the School Board.

**III. Type of Easements – The type of utility easements to be granted or vacated under this Board Rule shall include:**

- a. Those required by Florida Power & Light Company or other such similar electrical service provider;
- b. Those required by the Miami-Dade Water and Sewer Department or other such similar water and/or sewer provider (see Section V below);
- c. Those required by any communications service provider for telephone, cable and/or internet service;
- d. Those required by any natural gas supplier; and
- e. Any other utility easements that the Chief Facilities Officer deems necessary in connection with a Board authorized capital project.

ADDED

**IV. Grant of Easement – Utility easements, except those for water and/or sewer, shall be processed for execution by the School Board Chair and Superintendent of Schools in accordance with the following provisions:**

- a. The need for a utility easement shall be established by the Office of Capital Improvement Projects;

- b. The Office of Capital Improvement Projects shall forward the legal description and sketch of the easement area, along with all pertinent documentation, including purpose of easement, to the Facilities Planning Department for processing;
  - c. The Facilities Planning Department shall route the proposed utility easement for review and approval to all appropriate District staff, including the Chief Facilities Officer;
  - d. Upon securing approval from the Chief Facilities Officer, the Facilities Planning Department shall forward the grant of easement instrument for execution by the School Board Chair and Superintendent of Schools. Prior to execution, the actual instrument will be forwarded to the School Board Attorney's Office for review and approval;
  - e. The Facilities Planning Department shall secure a recorded copy of the grant of easement instrument for placement in the project file; and
  - f. The School Board will be notified of any easements executed by the School Board Chair and the Superintendent of Schools.
- V. Grant of Easement for Water and/or Sewer Services – Easements for water and/or sewer services shall be processed for execution by the School Board Chair and Superintendent of Schools in accordance with the following provisions:
- a. The need for a water and/or sewer easement shall be established by the Offsite Utilities Planning and Development Department;
  - b. The legal description and sketch of the easement area, along with the offsite as-builts, shall be provided to the utility department having jurisdiction prior to a final inspection;
  - c. After review and acceptance by the utility department having jurisdiction, the original of the approved legal description and sketch of the water and/or sewer easement shall be provided to the Offsite Utilities Planning and Development Department;
  - d. The Offsite Utilities Planning and Development Department shall secure the written approval of the Chief Facilities Officer to enter into the proposed easement, and upon securing approval, shall forward the grant of easement instrument for execution by the School Board Chair and Superintendent of Schools. Prior to execution, the actual instrument will be forwarded to the School Board Attorney's Office for review and approval;

- e. The executed grant of easement instrument shall be submitted to the utility department for recording with the Clerk of County Courts;
  - f. The Offsite Utilities Planning and Development Department shall secure a recorded copy of the grant of easement instrument for placement in the project file; and
  - g. The School Board will be notified of any easements executed by the School Board Chair and the Superintendent of Schools.
- VI. Vacation of Easement – Upon a determination that a utility easement is to be vacated, and after securing the concurrence of the subject utility company, the Facilities Planning Department, or the Offsite Utilities Planning and Development Department, shall facilitate this task in a similar fashion as outlined in Sections IV or V above, including acquiring the approval of the Chief Facilities Officer.
- VII. Exception – Any utility easements that impose a cost to the School Board, other than routine costs which are already contemplated as part of the project's cost of surveying, preparation of legal descriptions and related application fees, must be presented to the School Board for review and approval prior to entering into same.

ADDED

Specific Authority: 1001.41(1), (2); 1001.42(25); 1001.43(10) F.S.  
Law Implemented, Interpreted or Made Specific: 1001.41(1); 1001.42(2) F.S.

**History**  
New:

**THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA**