

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.

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 and the Office of Risk and Benefits Management for review and approval; and
 - e. The Facilities Planning Department shall secure a recorded copy of the grant of easement instrument for placement in the project file.
- 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 and the Office of Risk and Benefits Management 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; and

- 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.

- 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. Ratification - All utility easements executed under this Board Rule shall be subsequently presented to the School Board for ratification.

- VIII. 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.

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: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 3-25-09