

Meeting Date: April 14, 2015

Agenda Item 16

REQUESTED COMMISSION ACTION:

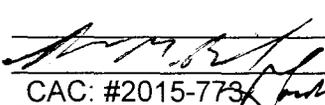
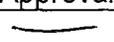
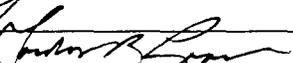
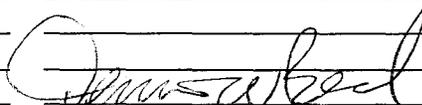
Consent     Ordinance     Resolution     Consideration/Discussion     Presentation

**SHORT TITLE**    A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DECLARATION OF UNITY OF TITLE; PROVIDING AN EFFECTIVE DATE.

**Summary of Purpose and Why:**

Summary:    On May 28, 2014 the Planning & Zoning Board issued a development order (PZ #: 14-12000003) for the Utility Field Service Complex, necessitating Unity of Title because the complex is on two parcels. Because this is City-owned property, the City Commission must authorize the proper City officials to sign and execute the Declaration prior to it being sent to the Broward County Records Division for recordation.

- (1) Origin of request for this action: Development Services Department
- (2) Primary staff contact: Scott Reale/ Robin Bird    Ext. 4667
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	3/20/2015	Approval	
City Attorney	3/25/2015		CAC: #2015-773 
City Manager			
<input checked="" type="checkbox"/> Advisory Board		Planning & Zoning Board (Site Plan: 14-12000003)	

**ACTION TAKEN BY COMMISSION:**

Ordinance	Resolution	Consideration	Workshop
1 <sup>st</sup> Reading	1 <sup>st</sup> Reading	Results:	Results:
2 <sup>nd</sup> Reading			



**City Attorney's Communication #2015-773**

March 25, 2015

**TO:** Scott Reale, AICP, Planner  
**FROM:** Gordon B. Linn, City Attorney  
**RE:** Resolution Approving Declaration of Unity of Title

As requested in your memorandum received on March 24, 2014, under cover of Department of Development Services Memorandum #15-141, the following form of resolution, relative to the above-referenced matter, has been prepared and is attached:

**A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF POMPANO BEACH, FLORIDA, APPROVING  
AND AUTHORIZING THE PROPER CITY OFFICIALS TO  
EXECUTE A DECLARATION OF UNITY OF TITLE;  
PROVIDING AN EFFECTIVE DATE.**

Please feel free to contact me if I may be of further assistance.

GORDON B. LINN

/jrm  
l:cor/dev-srv/2015-773

Attachment

RESOLUTION NO. 2015- \_\_\_\_\_

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DECLARATION OF UNITY OF TITLE; PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That the Declaration of Unity of Title, a copy of which is attached hereto and incorporated herein by reference as if set forth in full, is hereby approved.

**SECTION 2.** That the proper city officials are hereby authorized to execute said Declaration of Unity of Title.

**SECTION 3.** This Resolution shall become effective upon passage.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

GBL/jrm  
3/25/15  
l:reso/2015-272



City of Pompano Beach  
Department of Development Services  
Planning & Zoning Division

100 W. Atlantic Blvd Pompano Beach, FL 33060  
Phone: 954.786.4634 Fax: 954.786.4666

**Declaration of Unity of Title**

KNOW ALL MEN BY THESE PRESENTS, that pursuant to the applicable ordinances of the City of Pompano Beach pertaining to the issuance of building permits and regulating building construction, the undersigned, City of Pompano Beach, a Florida municipal corporation, being the fee owner of the following described real property lying, being and situate in the City of Pompano Beach, County of Broward and State of Florida, to-wit:

LEGAL DESCRIPTION:

PARCEL A, POMPANO BEACH WATER AND SEWER DIVISION PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 149, PAGE 11, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

THAT PART OF THE SOUTHWEST ONE-QUARTER (SW 1/4), OF THE NORTHEAST ONE QUARTER (NE 1/4), OF THE NORTHEAST ONE QUARTER (NE 1/4), OF SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT LOCATED 701.1818 FEET SOUTH AND 675 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHEAST ONE-QUARTER(NE 1/4) OF SAID SECTION 35, THENCE S 89°41'21" W, ALONG THE SOUTH RIGHT-OF-WAY LINE OF N.E. 13th STREET, 229.93 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE SOUTH , 182.57 FEET; THENCE S 89°41'21" W, 207.70 FEET; THENCE N 15°18'53" E, ALONG THE EAST RIGHT-OF-WAY LINE OF F.E.C. RAILROAD, 189.60 FEET; THENCE N 89°41'21", 18.50 FEET; THENCE EASTERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 35.00 FEET, AND WHOSE RADIUS POINT LIES ON THE CENTERLINE OF N.E. 13th STREET, 36.00 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF THE F.E.C. RAILROAD, AS MEASURED ALONG SAID CENTERLINE) AN ARC DISTANCE OF 54.26 FEET; THENCE N 89°41'41" E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF N.E. 13th STREET, 90.08 FEET TO THE POINT OF BEGINNING, LESS THE NORTH 5 FEET THEREOF.

SAID LANDS SITUATE WITHIN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA CONTAINING A TOTAL AREA OF 2.757 ACRES (120,104 SQUARE FEET) MORE OR LESS.

**ADDRESSES: 200 NE 13<sup>th</sup> Street and 1201 NE 3<sup>rd</sup> Avenue**

does hereby make the following declarations of conditions, limitations and restrictions on said lands, hereinafter referred to as the Pompano Utilities Site (PZ14-12000003);

1. The aforesaid plot, parcel or combinations of separate lots be and

the same is hereby established and declared to be unified as an indivisible building site.

2. This Declaration of Unity of Title shall constitute a covenant running with the land, as provided by law, and shall be binding upon the undersigned, its successors and assigns, and all parties claiming thereunder and no portion shall be sold, assigned, transferred, conveyed or devised separately except in its entirety as one plot or parcel until such time as the same may be released in writing under the order of the Director of Development Services of the City of Pompano Beach.

3. The undersigned does further agree that this instrument shall be filed for record among the Public Records of Broward County, Florida.

IN WITNESS WHEREOF, the undersigned has caused this Declaration of Unity of Title to be executed in appropriate manner and its seal to be affixed this \_\_\_\_ day of \_\_\_\_\_, 2015.

Signed, Sealed and Delivered  
in the presence of:

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Print Witness Name(s)

\_\_\_\_\_  
Print Name and Title

STATE OF FLORIDA  
COUNTY OF BROWARD

BEFORE ME the undersigned authority, personally appeared \_\_\_\_\_,

to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same as the act and deed of said corporation and for the uses and purposes set forth therein.

WITNESS my hand and official seal at Pompano Beach, Broward County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

(Name of Notary Public: Print, Stamp, or Type as Commissioned.)

[ ] Personally known to me, or  
[ ] Produced identification: \_\_\_\_\_  
(Type of Identification Produced)

My Commission Expires:

Application Fee: \$180.00



I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions.

Therefore, it is my opinion that the following party (ies) must join in the agreement in order to make the agreement a valid and binding covenant on the lands described herein.

<u>NAME</u>	<u>INTEREST</u>	<u>SPECIAL EXCEPTION NUMBER</u>
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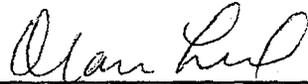
The following is a description of the aforementioned abstract and its continuations:

<u>NUMBER</u>	<u>COMPANY CERTIFYING</u>	<u>NO. OF ENTRIES PERIOD COVERED</u>
1	Paramount Title Services, Inc.	15

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

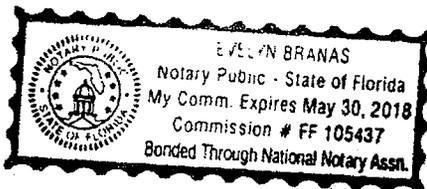
Respectfully submitted this 19<sup>th</sup> day of March 2015.



\_\_\_\_\_  
Eliana Leal, Esq.  
Florida Bar No. 55328

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of March 2015, by Eliana Leal, who is personally known to me or has produced \_\_\_\_\_, as identification.



\_\_\_\_\_  
Notary Public

Evelyn Branas  
\_\_\_\_\_  
Printed Name

My Commission Expires: \_\_\_\_\_

EXHIBIT "A"

PARCEL A, POMPANO BEACH WATER AND SEWER DIVISION PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 149, PAGE 11, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

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SAID LANDS SITUATE WITHIN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA CONTAINING A TOTAL AREA OF 2.757 ACRES (120,104 SQUARE FEET) MORE OR LESS.

**GENERAL EXCEPTIONS:**

1. **Taxes or assessments now or hereafter due.**
2. **Rights of persons other than the above owners who are in possession or with right to possession.**
3. **Encroachments, overlays, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the premises.**
4. **Any unrecorded laborer's, mechanics, materialmen's, or municipal liens.**
5. **Any lien provided by Chapter 159, Florida Statutes, or provided by Miami-Dade County Ordinance NO. 84-10 in favor of any city, town, village, port authority, etc. for unpaid service charges for services by any water systems, sewer system, or gas systems serving the land described herein.**
6. **Zoning and other restrictions imposed by governmental authority.**
7. **Easements, or claims of easements, not shown in the public records.**
8. **Any adverse claim to any portion of said land which has been created by artificial means or has accreted to any such portion so created and riparian rights, if any.**
9. **Any unpaid charges due for waste, water and sewer services.**

**SPECIAL EXCEPTIONS:**

1. **EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND CONDITIONS SET FORTH ON PLAT OF POMPANO BEACH WATER AND SEWER DIVISION PLAT, Plat Book 149, Page 11, Public Records Broward County, Florida.**
2. **QUIT CLAIM DEED:** The United States of America, acting by and through the War Assets Administration, under and pursuant to Executive Order 9689, dated January 31, 1946, and the powers and authority contained in the provisions of the Surplus Property Act of 1944, as amended TO City of Pompano Beach, a Florida municipal corporation, dated August 29, 1947, filed in Deed Book 602, Page 458.
3. **WARRANTY DEED:** Consolidated Construction Services TO City of Pompano Beach, a Florida municipal corporation, dated May 16, 1978, filed June 20, 1978 in O.R. Book 7622, Page 391.
4. **QUIT CLAIM DEED FOR RIGHT OF WAY:** City of Pompano Beach, a Florida municipal corporation TO City of Pompano Beach, a Florida municipal corporation, dated October 1, 2008, filed October 20, 2008 in O.R. Book 45758, Page 894.
5. **QUIT CLAIM DEED FOR RIGHT OF WAY:** City of Pompano Beach, a Florida municipal corporation TO City of Pompano Beach, a Florida municipal corporation, dated October 1, 2008, filed December 15, 2008 in O.R. Book 45866, Page 1238.
6. **NOTICE OF COMMENCEMENT:** City of Pompano Beach TO Turner Construction, dated January 29, 2015, filed January 29, 2015, Instrument Number 112775251.



# MEMORANDUM

## Development Services

**MEMORANDUM NO.** 15-141

**DATE:** March 20, 2015

**TO:** Gordon Linn, City Attorney

**VIA:** Robin M. Bird, Development Services Director *RB*

**FROM:** Scott Reale, AICP, Planner *SR*

**RE:** Request for Resolution for Unity of Title – Pompano Utility Field Service Complex  
Folios: 4842-3568-0010 and 4842-3500-0044

14-12000003

On May 28, 2014 the Planning and Zoning Board issued a development order (PZ #: 14-12000003) for the subject site, with a Unity of Title requirement prior to building permit approval.

Attached is a copy of the Title Opinion and the Unity of Title Declaration for the City of Pompano Beach Utility Field Service Complex, unifying the above referenced folios. Please note the CITY OF POMPANO BEACH owns the properties. Please review and prepare a resolution for City Commission at your earliest convenience for authorized signature.

Please contact me at extension 4667 / [scott.reale@copbfl.com](mailto:scott.reale@copbfl.com), if you need additional information or have any questions.

Thank you.

Attachments

CITY OF POMPANO BEACH  
BROWARD COUNTY  
FLORIDA

DEVELOPMENT ORDER

PLANNING AND ZONING NO. 14-12000003

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A DEVELOPMENT ORDER ISSUED BY THE PLANNING AND ZONING BOARD (LOCAL PLANNING AGENCY) OF THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, PURSUANT TO CHAPTER 155 OF THE CODE OF ORDINANCES; APPROVING WITH CONDITIONS THE APPLICATION FOR DEVELOPMENT PERMIT FOR THE CITY OF POMPANO BEACH

WHEREAS, Section 155.2407, of the Code of Ordinances, defines the project referenced above as a Major Review; and

WHEREAS, Section 155.2204, of the Code of Ordinances, authorizes the Planning and Zoning Board (Local Planning Agency) to issue a final development order for the subject project property in order to construct two structures on an existing utility complex, totaling 9,421 square feet. The structures will be used as an administration building and a garage. The overall property will consist of a 14,371 sq. ft. foot print on a 120,988 sq. ft. (2.78 acres), site; 12% lot coverage on the property known as 1201 NE 3<sup>rd</sup> AV and more specifically described as:

PARCEL A, POMPANO BEACH WATER AND SEWER DIVISION PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 149, PAGE 11, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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DEVELOPMENT ORDER

Planning and Zoning Board/Local Planning Agency

Planning and Zoning No. 14-12000003 Utility Field Service Complex

Page 2

FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE SOUTH, 182.57 FEET; THENCE S 89°41'21" W, 207.70 FEET; THENCE N 15°18'53" E, ALONG THE EAST RIGHT-OF-WAY LINE OF F.E.C. RAILROAD, 189.60 FEET; THENCE N 89°41'21", 18.50 FEET; THENCE EASTERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 35.00 FEET, AND WHOSE RADIUS POINT LIES ON THE CENTERLINE OF N.E. 13TH STREET, 36.00 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF THE F.E.C. RAILROAD, AS MEASURED ALONG SAID CENTERLINE) AN ARC DISTANCE OF 54.26 FEET; THENCE N 89°41'41" E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF N.E. 13TH STREET, 90.08 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE WITHIN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA CONTAINING A TOTAL AREA OF 2.776 ACRES (120,921 SQUARE FEET) MORE OR LESS.

WHEREAS, the Development Review Committee has met to review this project and has provided the applicant with written comments; and

WHEREAS, the Application for Development Permit is not in compliance with the applicable standards and minimum requirements of this Code, but the developer has agreed in writing that no building permit will be issued until those conditions the Development Services Director finds reasonably necessary to insure compliance are met; and

WHEREAS, copies of the survey and final site plan are on file with the Department of Development Services, stamped with the meeting date of May 28<sup>th</sup>, 2014,

The Application for Development Permit is hereby approved by the Planning and Zoning Board (Local Planning Agency) subject to the following conditions:

1. A five foot right-of-way dedication is required along NE 13th Street.
- ② A Unity of Title is required prior to building permit approval.
3. A non-conforming certificate is required prior to building permit approval for all nonconforming structures.
4. Provide superior landscaping along both right-of-ways and along the interior northern property line, subject to Urban Foresters approval.
5. Provide details of mechanical equipment screening per code section 155.5301.A.

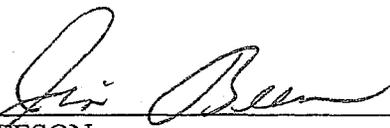
**MAJOR ADMINISTRATIVE ADJUSTMENT**

In accordance with the authority granted to the Board pursuant to Section 155.2421 of Chapter 155 of the Code of Ordinances, the Planning and Zoning Board/Local Planning Agency hereby grants three (3) MAJOR ADMINISTRATIVE ADJUSTMENTS. The first and second requests are from the provisions of section 155.5101.G.8.B, in order to provide stacking length of 35 feet along the north and east entries, rather than 50 feet as required by code, a 30% reduction. The third request is from the provisions of section 155.3504.C, in order to provide a 17.5 foot rear yard setback, rather than the required 25 foot setback; a 30% reduction.

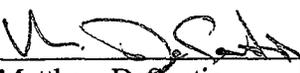
In granting this action it is the finding of the Planning and Zoning Board/Local Planning Agency that these ADJUSTMENTS do not diminish the application of the affected regulation, and results in superior design of the building and site layout.

**Be advised that pursuant to Section 155.2407 (G) of the Pompano Beach Code of Ordinances, a DEVELOPMENT ORDER for a site plan application shall remain in effect for a period of 24 months from the date of its issuance.**

Heard before the Planning and Zoning Board/Local Planning Agency and Ordered this 28th day of May, 2014.

  
\_\_\_\_\_  
JIM BEESON Date  
Chairman  
Planning and Zoning Board/Local Planning Agency

Filed with the Advisory Board Secretary this 6th day of June, 2014.

  
\_\_\_\_\_  
Matthew DeSantis  
Zoning Technician