

Meeting Date: July 28, 2015

Agenda Item

1

REQUESTED COMMISSION ACTION:

<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Consideration/ Discussion	<input type="checkbox"/> Presentation
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SHORT TITLE A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING A GRANT OF A PERPETUAL UTILITY EASEMENT; PROVIDING AN EFFECTIVE DATE.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Summary of Purpose and Why:**

Staff is seeking City Commission approval of a Resolution to accept a 15' Utility Easement from the Pompano Beach Community Redevelopment Agency ("CRA"). The CRA installed a brand new 8" sanitary sewer within CRA-owned land (see Exhibit "A") and this easement is necessary such that the City's Utilities Department can operate and maintain the sewer. Staff recommends approval.



(1) Origin of request for this action:	<u>City Commission</u>	
(2) Primary staff contact:	<u>Dennis W. Beach/Horacio Danovich</u>	<u>Ext. 786-4601</u>
(3) Expiration of contract, if applicable:	_____	_____
(4) Fiscal impact and source of funding:	<u>No costs.</u>	_____

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
<u>City Attorney</u>	<u>7/13/15</u>	<u>2015-1243</u>	<u>[Signature]</u>
<u>Budget Director</u>	<u>7-14-15</u>	<u>Approval</u>	<u>[Signature]</u>
<input checked="" type="checkbox"/> Finance Director		<u>[Signature]</u>	<u>[Signature]</u>
<input checked="" type="checkbox"/> City Manager <u>[Signature]</u>		<u>[Signature]</u>	<u>[Signature]</u>

**ACTION TAKEN BY COMMISSION:**

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

# CRA

POMPANO BEACH

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## MEMORANDUM

July 10, 2015

TO: City Commission

THRU: Dennis W. Beach, City Manager

FROM: Horacio Danovich, CRA Engineer

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### Issue

Staff is seeking City Commission approval to accept a grant of a perpetual 15' Utility Easement.

### Recommendation

Staff recommends Approval.

### Background

Staff is seeking City Commission approval to accept an easement from the Pompano Beach Community Redevelopment Agency ("CRA"). In support of the anticipated construction of a new Downtown Plaza, the CRA constructed a new 8" sanitary sewer within CRA-owned land (see Exhibit "A"). The sewer is intended to service the plaza as well as a brand new restaurant and other future facilities. This easement is necessary such that the City's Utilities Department can operate and maintain the sewer.

Staff recommends approval of this resolution.



**City Attorney's Communication #2015-1243**  
July 9, 2015

**TO:** Horacio Danovich, CIP Engineer  
**FROM:** Gordon B. Linn, City Attorney  
**RE:** Resolutions – Utility Easement

Pursuant to your e-mail dated July 8, 2015, attached please find the following captioned resolutions:

**A RESOLUTION OF THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY, GRANTING A UTILITY EASEMENT TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING A GRANT OF A PERPETUAL UTILITY EASEMENT; PROVIDING AN EFFECTIVE DATE.**

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

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GORDON B. LINN

/jrm  
l:cor/engr/2015-1243

Attachments

RESOLUTION NO. \_\_\_\_\_

**POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY**

**A RESOLUTION OF THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY, GRANTING A UTILITY EASEMENT TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Pompano Beach Community Redevelopment Agency is the owner of real property and has agreed to grant an easement to the City of Pompano Beach for a perpetual public utility easement; and

WHEREAS, the CRA Board has determined that the best interests of the public will be served by the grant of easement; now, therefore,

**BE IT RESOLVED BY THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY:**

**SECTION 1.** That the Pompano Beach Community Redevelopment Agency grants an easement to the City of Pompano Beach for the property described in said Easement Agreement, a copy of which is attached hereto and made a part hereof as if set forth in full.

**SECTION 2.** That it is the determination of the Pompano Beach Community Redevelopment Agency that the granting of the aforesaid property rights is for a public purpose.

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

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

\_\_\_\_\_  
**LAMAR FISHER, CHAIRPERSON**

**ATTEST:**

\_\_\_\_\_  
**MARGARET GALLAGHER, SECRETARY**

/jrm  
7/9/15  
l:reso/cra/2015-417

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

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

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING A GRANT OF A PERPETUAL UTILITY EASEMENT; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Pompano Beach Community Redevelopment Agency is the owner of a parcel of real property and has agreed to grant a perpetual public utility easement to the City; and

**WHEREAS**, the City Commission has determined that the best interests of the public will be served by accepting and acquiring the rights being conveyed by the grant of easement; now, therefore,

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

**SECTION 1:** That the City of Pompano Beach accepts the grant of easement from the Pompano Beach Community Redevelopment Agency for the property described in said Easement Agreement, a copy of which is attached hereto and made a part hereof as if set forth in full.

**SECTION 2:** That it is the determination of the City Commission of the City of Pompano Beach, Florida, that the acceptance and acquisition of the aforesaid property right is for a public purpose.

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

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

\_\_\_\_\_  
**LAMAR FISHER, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**ASCELETA HAMMOND, CITY CLERK**

**Prepared by and return to:**  
Gordon B. Linn, City Attorney  
City of Pompano Beach  
100 West Atlantic Boulevard  
Pompano Beach, Florida 33060

## **UTILITY EASEMENT**

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**THIS UTILITY EASEMENT** (this "Easement) is made and executed this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY, a public body corporate and politic, of 100 West Atlantic Blvd., Pompano Beach, Florida 33060, (the "Grantor"), to the CITY OF POMPANO BEACH, a municipal corporation of the State of Florida, having an address of 100 W. Atlantic Blvd., Pompano Beach, Florida 33060 (the "Grantee"):

(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs legal representatives and assigns of individuals, and the successors and assigns of corporations, partnerships (including joint ventures), public bodies and quasi-public bodies.)

### **WITNESSETH:**

**WHEREAS**, Grantor is lawfully seized in fee simple and is in possession of certain property situated in Broward County, Florida, (hereinafter referred to as "Property"); and

**WHEREAS**, Grantor desires to grant a non-exclusive utility easement in, on, over, under, through, and across the Property more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Easement Area").

**NOW, THEREFORE**, in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby states as follows:

1. Grantor does hereby grant unto the Grantee, a perpetual non-exclusive utility easement in, on, over, under, through, and across the Easement Area, with the full and free right of ingress and egress.

2. Grantee shall have the right and privilege from time to time to construct, reconstruct, improve, add to, enlarge, change pressure, as well as the size of, and to remove such facilities or any of them, together with the right to permit any other person, firm or corporation to any facilities hereunder and the right of ingress and egress to said premises at all times.

3. Grantee shall have the right to keep the easement area cleared of obstructions.

4. Grantor shall not erect or place any building or tree on the easement area.

5. The Easement granted shall be binding upon the Grantor and its successors and assigns. This Easement shall not be released or amended in any manner without the written consent of Grantee, except as otherwise provided herein.

6. All provisions of this Easement, including the benefits and burdens, run with the land and are binding upon and inure to the heirs, assigns, successors, tenants, and personal representatives of the parties hereto.

**IN WITNESS WHEREOF**, the Grantor has caused this Easement to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers or representatives hereunto duly authorized, as of the day and year first above written.

Signed, Sealed and Witnessed  
In the Presence of:

**POMPANO BEACH COMMUNITY  
REDEVELOPMENT AGENCY**

\_\_\_\_\_

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

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

Lamar Fisher, Chairman

\_\_\_\_\_

ATTEST:

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

\_\_\_\_\_  
Margaret Gallagher, Secretary

**EXECUTIVE DIRECTOR:**

Redevelopment Management Associates, LLC  
a Florida limited liability company

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

By: MetroStrategies, Inc., a Florida corporation  
a managing member

By: \_\_\_\_\_  
Kim Briesemeister, President

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

and

By: \_\_\_\_\_  
Christopher J. Brown  
a managing member

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by LAMAR FISHER as Chairman of the Pompano Beach Community Redevelopment Agency, who is personally known to me.

NOTARY'S SEAL:

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

\_\_\_\_\_  
(Name of Acknowledger Typed, Printed or Stamped)

\_\_\_\_\_  
Commission Number

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by MARGARET GALLAGHER, Secretary of the Pompano Beach Community Redevelopment Agency, who is personally known to me.

NOTARY'S SEAL:

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

\_\_\_\_\_  
(Name of Acknowledger Typed, Printed or Stamped)

\_\_\_\_\_  
Commission Number

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by Kim Briesemeister, President of MetroStrategies, Inc., as Managing Member of Redevelopment Management Associates, LLC on behalf of the limited liability company. She is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

NOTARY'S SEAL:

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

\_\_\_\_\_  
(Name of Acknowledger Typed, Printed or Stamped)

\_\_\_\_\_  
Commission Number

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by Christopher J. Brown, as Managing Member of Redevelopment Management Associates, LLC, on behalf of the limited liability company. He is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

NOTARY'S SEAL:

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

\_\_\_\_\_  
(Name of Acknowledger Typed, Printed or Stamped)

\_\_\_\_\_  
Commission Number

GBL/jrm  
7/9/15  
L:agr/cra/2015-818



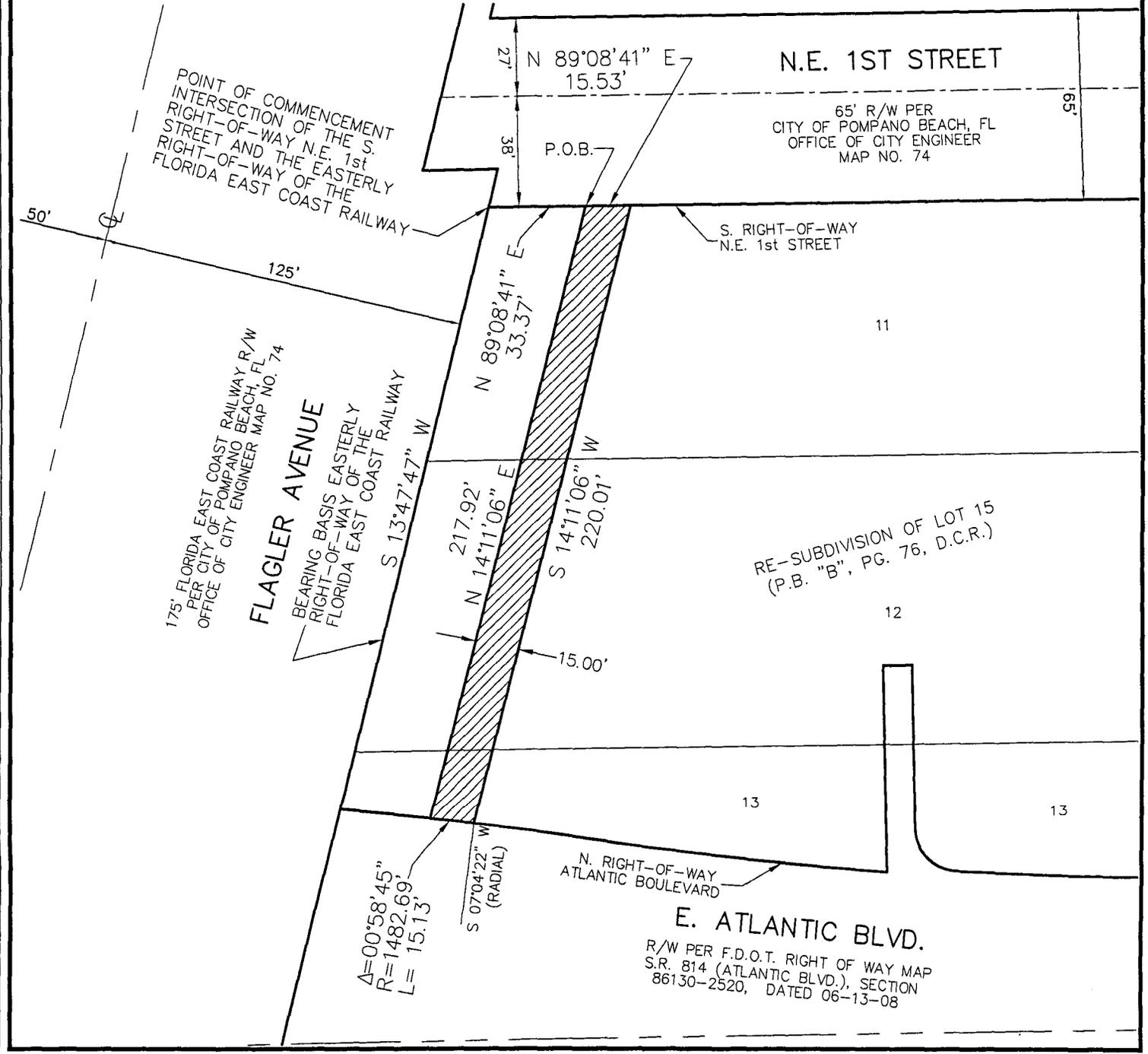




SCALE: 1" = 50'

LEGEND:

- Δ CENTRAL ANGLE
- R RADIUS
- L ARC LENGTH
- D.C.R. DADE COUNTY RECORDS
- F.D.O.T. FLORIDA DEPARTMENT OF TRANSPORTATION
- L.B. LICENSED BUSINESS
- P.O.B. POINT OF BEGINNING
- R/W RIGHT-OF-WAY



**SKETCH & DESCRIPTION  
SEWER EASEMENT**

PORTIONS OF LOTS 11, 12 &  
13, RE-SUBDIVISION OF LOT 15  
P.B. B, PG. 76, D.C.R.

CITY OF POMPANO BEACH  
BROWARD COUNTY FLORIDA

**KEITH & ASSOCIATES, INC.**

consulting engineers  
301 EAST ATLANTIC BOULEVARD  
POMPANO BEACH, FLORIDA 33060-6643  
(954) 788-3400 FAX (954) 788-3500  
EMAIL: mail@keith-associates.com LB NO. 6860

SHEET 2 OF 2

DRAWING NO. 07470.72-SEWER EASEMENT

DATE 07/07/15

SCALE 1"=50'

FIELD BK. N/A

DWNG. BY M.M.M.

CHK. BY M.M.M.

DATE REVISIONS