

Meeting Date: September 8, 2015

Agenda Item 15

REQUESTED COMMISSION ACTION:

Consent       Ordinance       Resolution       Consideration       Workshop

SHORT TITLE OR MOTION: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM BELLSOUTH TELECOMMUNICATIONS, LLC TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE (No Cost).

**Summary of Purpose and Why:**

The City of Pompano Beach is currently engaged in construction on City property located at 200 NE 13<sup>th</sup> Street for the replacement of the Utilities Department Field Operation's Complex. During recent surveying, it came to the City's attention that our existing south chain link fence, which we assumed to be City's south property line, was actually located 10-feet within the adjacent Bellsouth Telecommunication's property. Bellsouth Telecommunications is willing to convey 10-feet of property to the City via attached Quit Claim Deed which enables the City to resume construction and be in compliance with the required landscape buffer and building setback.



Accomplishing this item supports achieving Objective 2.2.5, "Replace Utilities Field Office" identified in the City's Superior Capacity Strategy.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Utilities Department
- (2) Primary staff contact: A. Randolph Brown / John Sfiropoulos, P.E. Ext 7044 / 7009
- (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 OR ATTACHED MEMO NUMBER
Utilities	<u>8/24/15</u>	APPROVE	
City Attorney	<u>8/24/15</u>	APPROVE	
Finance	<u>8/25/15</u>	APPROVE	<u>S. Ribble</u>
Budget	<u>8-25-15</u>	APPROVE	

Advisory Board  
 Development Services Director  
 City Manager

ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration	Workshop
1st Reading	1st Reading	Results:	Results:
_____	_____	_____	_____
_____	_____	_____	_____
2nd Reading	_____	_____	_____
_____	_____	_____	_____



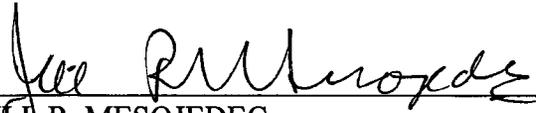
**City Attorney's Communication #2015-1437**  
August 19, 2015

**TO:** John Sfiropoulos, P.E.  
**FROM:** Jill R. Mesojedec, FRP, Paralegal  
**VIA:** Mark E. Berman, Assistant City Attorney   
**RE:** Resolution Accepting Quit Claim Deed

As requested, I have prepared and attached the following form of Resolution:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM BELLSOUTH TELECOMMUNICATIONS, LLC TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.**

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

  
\_\_\_\_\_  
JILL R. MESOJEDEC

/jrm  
l:cor/engr/2015-1437

Attachment

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

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM BELLSOUTH TELECOMMUNICATIONS, LLC TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Bellsouth Telecommunications, LLC is willing to convey to the City of Pompano Beach certain real property via Quit Claim Deed; 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 Quit Claim Deed; 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 conveyance of real property from Bellsouth Telecommunications, LLC dated August 5, 2015, a copy of which is attached hereto and incorporated by reference 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 acquisition of the aforesaid property is for a public purpose, to wit: future right-of-way.

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

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

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

**ATTEST:**

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

**This Instrument Prepared By:  
Gordon B. Linn, City Attorney  
City of Pompano Beach  
P. O. Box 2083  
Pompano Beach, Florida 33061**

**QUIT CLAIM DEED**

**Pompano Beach, FL, 1117 NE 3<sup>rd</sup> Avenue (GLC E8439)**

Executed this 5<sup>th</sup> day of August, 2015, by

**BELLSOUTH TELECOMMUNICATIONS, LLC, a Georgia limited liability company, d/b/a AT&T Florida, formerly known as Southern Bell Telephone and Telegraph Company** whose post office address is 675 West Peachtree Street, N.E., Suite 4500, Atlanta, GA 30375 , hereinafter referred to as "Party of the First Part," or "Grantor" to

**CITY OF POMPANO BEACH**, a municipal corporation of the County of Broward, State of Florida, whose post office address is 100 W. Atlantic Boulevard, P. O. Box 2083, Pompano Beach, Florida 33061, referred to as "Party of the Second Part."

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that the said first party, for and in consideration of the sum of TEN and No/100 DOLLARS (\$10.00) in hand paid by the second party, the receipt of which is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land situate, lying and being in the County of Broward, State of Florida, to-wit:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.**

**A PORTION OF FOLIO NO. 4842 35 00 0100**

**GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY REVOKES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS OR GUARANTEES OF ANY**

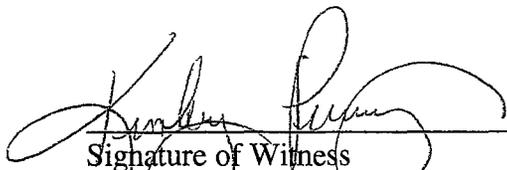
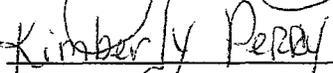
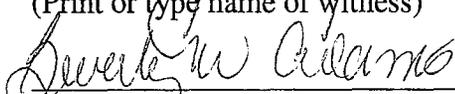
KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, (B) THE INCOME TO BE DERIVED FROM THE PROPERTY, (C) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES WHICH GRANTEE MAY CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY, (F) THE MANNER OR QUALITY OF CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE PROPERTY, (G) THE MANNER, QUALITY, STATE OR LACK OF REPAIR OF THE PROPERTY, OR (H) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY; AND SPECIFICALLY, GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS, ORDERS, OR REQUIREMENTS, INCLUDING THE DISPOSAL OR EXISTENCE, IN OR ON THE PROPERTY, OF ANY HAZARDOUS MATERIALS OR SUBSTANCES, INCLUDING BUT NOT LIMITED TO ANY SUBSTANCES OR MATERIALS WHICH ARE NOW OR HEREAFTER MAY BE CLASSIFIED OR CONSIDERED TO BE HAZARDOUS OR TOXIC UNDER ANY FEDERAL, STATE OR MUNICIPAL STATUTES, REGULATIONS, RULES, ORDINANCES, ORDERS, DECREES, OR ANY OTHER MANDATE, IN ANY FORM WHATEVER, HAVING THE FORCE AND EFFECT OF LAW, INCLUDING BUT NOT LIMITED TO THE COMMON LAW OR ANY OTHER APPLICABLE RULES OF LAW. TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE SALE OF THE PROPERTY IS MADE "AS IS" AND WITH ALL FAULTS.

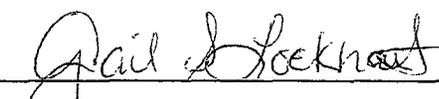
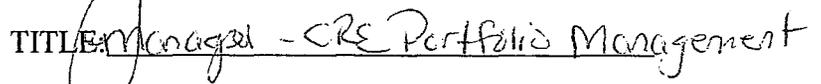
TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of said first party, either in law or equity, to the only proper use, benefit and behoof of said second party forever.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered  
in the presence of:

BELLSOUTH TELECOMMUNICATIONS, LLC

  
\_\_\_\_\_  
Signature of Witness  
  
\_\_\_\_\_  
(Print or type name of witness)  
  
\_\_\_\_\_  
Signature of Witness

BY:   
\_\_\_\_\_  
TITLE: 

**LEGAL DESCRIPTION:**

A PORTION OF THE R.A. McNAB PROPERTY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGE 24, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL A, POMPANO BEACH WATER AND SEWER DIVISION PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 149, PAGE 11, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID SOUTHWEST CORNER ALSO BEING THE NORTHWEST CORNER OF SAID R.A. McNAB PROPERTY PLAT; THENCE NORTH 88°10'43" EAST, ALONG THE SOUTH LINE OF SAID PARCEL A AND THE NORTH LINE OF SAID R.A. McNAB PROPERTY PLAT, FEET 471.70 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL A AND THE WEST RIGHT-OF-WAY LINE OF N.E. 3rd AVENUE; THENCE SOUTH 01°20'30" WEST, ALONG SAID RIGHT-OF-WAY LINE, 10.00 FEET TO A POINT ON A LINE 10.00 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH LINE AND SAID NORTH LINE, THENCE SOUTH 88°10'43" WEST, ALONG SAID PARALLEL LINE, 474.44 FEET TO A POINT ON THE WEST LINE OF SAID R.A. McNAB PROPERTY PLAT AND THE EASTERLY RIGHT-OF-WAY OF THE FLORIDA EAST COAST RAILWAY (FEC); THENCE NORTH 13°57'36" EAST, ALONG WEST PLAT LINE AND SAID EASTERLY RIGHT-OF-WAY LINE, 10.39 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA AND CONTAINING 4731 SQUARE FEET MORE OR LESS.

**SURVEY NOTES:**

1. THE LEGAL DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
2. KEITH AND ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION NUMBER IS L.B.#6860.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. IT IS A VIOLATION OF THE STANDARDS OF PRACTICE PER RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE TO ALTER THIS SKETCH AND DESCRIPTION WITHOUT THE EXPRESSED PRIOR WRITTEN CONSENT OF THE SURVEYOR. ADDITIONS AND DELETIONS MADE TO THE FACE OF THIS SKETCH AND DESCRIPTION WILL MAKE THIS DOCUMENT INVALID.
5. THIS SKETCH AND DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY.
6. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF NORTH 88°10'43" EAST ALONG THE SOUTH LINE OF PARCEL A, POMPANO BEACH WATER AND SEWER DIVISION PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 149, PAGE 11, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA,
7. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
8. THE INTENDED DISPLAY SCALE FOR THIS SKETCH IS 1"= 100' OR SMALLER.

**CERTIFICATION:**

I HEREBY CERTIFY THAT THE ATTACHED SKETCH & DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS DEPICTED TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THE INFORMATION AS WRITTEN UNDER MY DIRECTION ON JUNE 5, 2015 MEETS THE STANDARDS OF PRACTICE PER RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

KEITH & ASSOCIATES, INC.  
CONSULTING ENGINEERS

MICHAEL M. MOSSEY  
PROFESSIONAL SURVEYOR AND MAPPER  
REGISTRATION No. 5660  
STATE OF FLORIDA

**SKETCH & DESCRIPTION**

A PORTION OF THE R.A.  
McNAB PROPERTY, PLAT  
BOOK 16, PAGE 24, B.C.R.

CITY OF POMPANO BEACH  
BROWARD COUNTY FLORIDA



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 1 OF 2

DRAWING NO. 07020.70 SKETCH & DESC OVERLAP.dwg

DATE 06/05/15

SCALE 1"=100'

FIELD BK. N/A

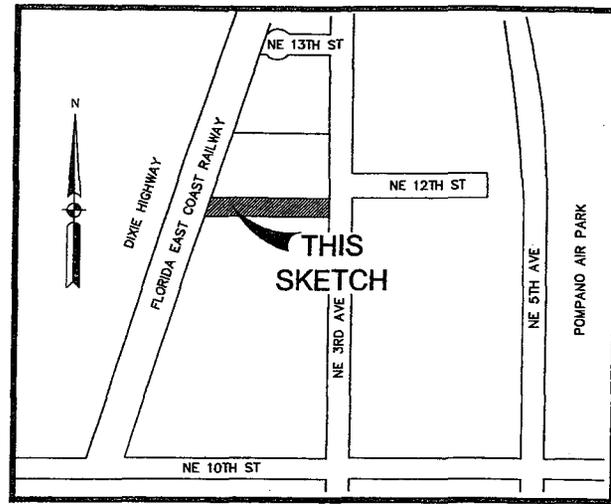
DWNG. BY MMM

CHK. BY MMM

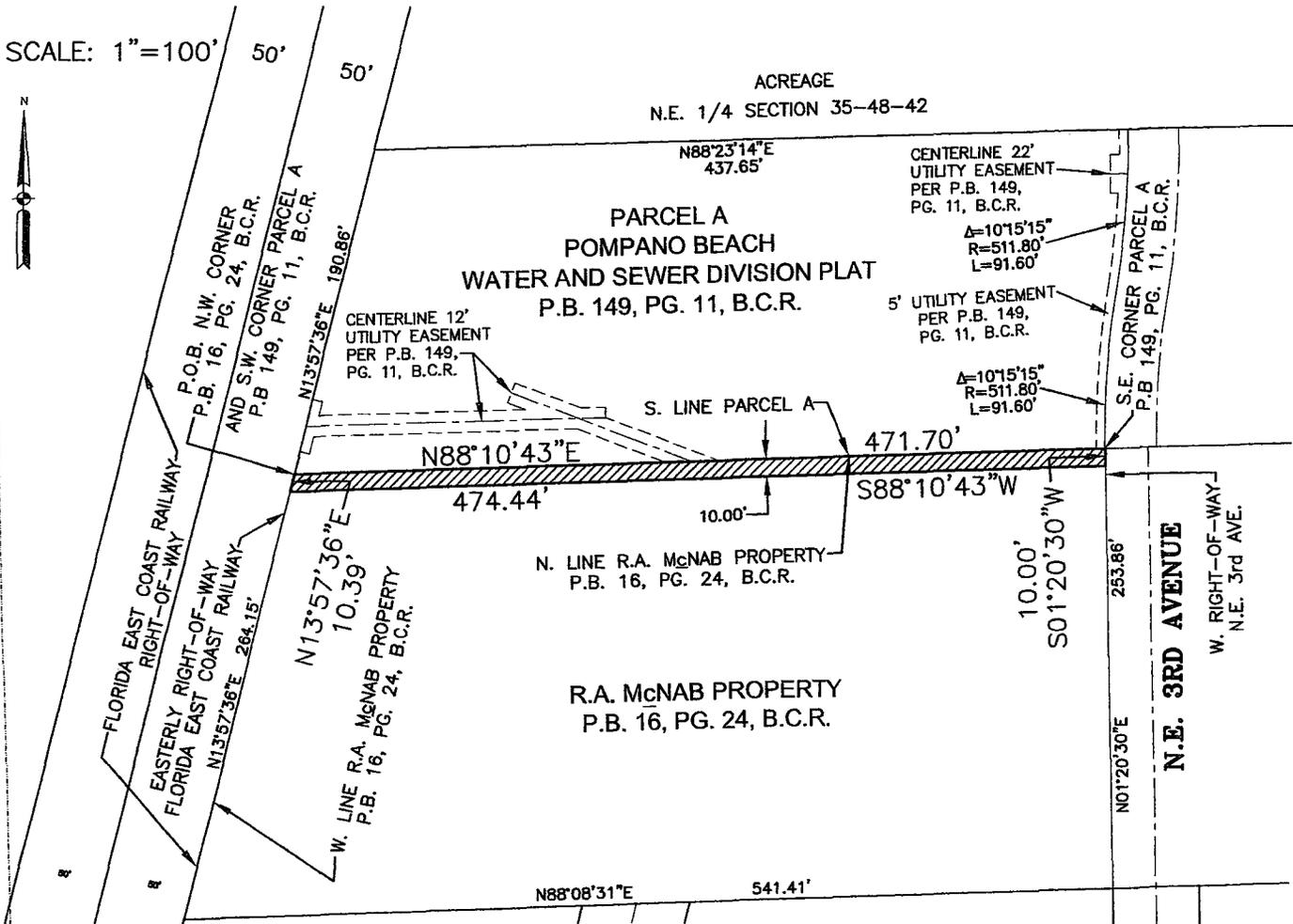
DATE	REVISIONS

LEGEND:

- B.C.R. BROWARD COUNTY RECORDS
- L.B. LICENSED BUSINESS
- P.B. PLAT BOOK
- PG. PAGE
- P.O.B. POINT OF BEGINNING



**LOCATION MAP:**  
NOT TO SCALE



**SKETCH & DESCRIPTION**

A PORTION OF THE R.A. McNAB PROPERTY, PLAT BOOK 16, PAGE 24, B.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. 07020.70 SKETCH & DESC OVERLAP.dwg

DATE 06/05/15

SCALE 1"=100'

FIELD BK. N/A

DWNG. BY MMM

CHK. BY MMM

DATE	REVISIONS

Beverly M. Adams

(Print or type name of witness)

STATE OF GEORGIA

COUNTY OF Fulton

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of August, 2015 by Gail S. Rockhart as Portfolio Manager of BELL SOUTH TELECOMMUNICATIONS, LLC, a Georgia limited liability company, who is personally known to me or who has produced Corporate ID as identification.

Linda S. Edwards

NOTARY'S SEAL:

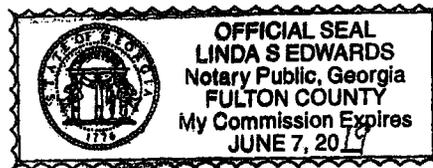
NOTARY PUBLIC, STATE OF GEORGIA

Linda S. Edwards

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

GBL/ds  
6/10/15  
l:realest/2015-1106



**"CITY":**

Witnesses:

**CITY OF POMPANO BEACH**

\_\_\_\_\_

By: \_\_\_\_\_  
LAMAR FISHER, MAYOR

\_\_\_\_\_

By: \_\_\_\_\_  
DENNIS W. BEACH, CITY MANAGER

Attest:

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

(SEAL)

Approved As To Form:

\_\_\_\_\_  
MARK E. BERMAN, CITY ATTORNEY

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by **LAMAR FISHER**, as Mayor, **DENNIS W. BEACH** as City Manager and **ASCELETA HAMMOND**, as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who are personally known to me.

NOTARY'S SEAL:

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

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

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