

Meeting Date: October 13, 2015

Agenda Item 1

REQUESTED COMMISSION ACTION:

Consent Ordinance Resolution Consideration/Discussion Presentation

SHORT TITLE OR MOTION: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM AA AFFORDABLE SEAWALL, INC. AND DARRELL GRIMM TO THE CITY OF POMPANO BEACH PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

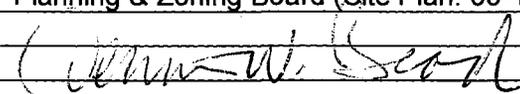
Summary: The applicant has received site plan approval for the property located at 15 NE 5TH Street. As a condition of approval the applicant is required to provide additional right-of-way in order to meet code requirements. The dedication includes two and a half (2.5) feet along NE 5th Street. Included herein is the deed and the appropriate exhibits for said right-of- way dedication.

- (1) Origin of request for this action: AA Affordable Seawall, Inc and Darrell Grimm
- (2) Primary staff contact: Daniel Keester/ Robin Bird Ext. 5541
- (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	8/21/2015	Approval	
City Attorney	8/26/2015		CAC: #2015-1438 

Advisory Board

City Manager 

Planning & Zoning Board (Site Plan: 09-12000018)


ACTION TAKEN BY COMMISSION:

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



City Attorney's Communication #2015-1438
August 26, 2015

TO: Daniel T. Keester, Planner

FROM: Mark E. Berman, Assistant City Attorney

RE: Resolution – Right-of-Way Dedication
AA Affordable Seawall, Inc. and Darrell Grimm – 1 NE 5th Street

As requested in your memorandum to me of August 21, 2015, Development Services Memorandum No. 15-444, I have prepared and attached herewith a resolution captioned as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM AA AFFORDABLE SEAWALL, INC. AND DARRELL GRIMM TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

Please ensure that the Partial Release of Mortgage has been executed and recorded in the Public Records of Broward County prior to submitting the resolution to the City Commission.



MARK E. BERMAN

/jrm
l:cor/dev-srv/2015-1438

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 AA AFFORDABLE SEAWALL, INC. AND DARRELL GRIMM TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, AA Affordable Seawall, Inc. and Darrell Grimm are 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 AA Affordable Seawall, Inc. and Darrell Grimm dated July 8, 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

Parcel Identification No:

Certified True Copy

The Title Co. of S. Florida

This Instrument Prepared By
and Return to:
AA AFFORDABLE SEAWALL INC.
428 NE 54 AVE.
OARKLAND PARK, FLORIDA 33334

QUITCLAIM DEED

This Quitclaim Deed, made this 8th day of July, 2015, between

AA AFFORDABLE SEAWALL INC. A FLORIDA CORPRORATIOIN AND DARRELL GRIMM, A MARRIED MAN, grantor

and CITY OF POMPANO BEACH, a Municipal Corporation in the State of Florida.
whose address is 100 W. ATLANTIC BLVD., POMPANO BEACH, FL 33060, Grantee.

Witnesseth, that the Grantor, for and in consideration of the sum of -----(\$10.00) TEN AND 00/100-----
-----DOLLARS, and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt of
which is hereby acknowledged, has granted, bargained and quitclaimed to the said Grantee and Grantee' heirs and
assigns forever, the following described land, situate, lying and being in the County of BROWARD, State of
Florida, to-wit:

The South 2.5 feet of the following described property:

Lots 13 to 18, Block 1 of the CORRECTED PLAT OF PERRY & WELLS SUBDIVISION, according
to the plat thereof as recorded in Plat Book 4, page 21, of the Public Records of Broward County,
Florida, together with the South 1/2 of that certain ten foot alleyway lying North and adjacent to said
Lots and being South of Lots 5 through Twelve, Block One of PERRY & WELLS CORRECTED
SUBDIVISION, recorded in Plat Book 4, Page 21, of the Public Records of Broward County, Florida,
and located South of NE 6th Street and West of NE 1st Avenue.

See attached exhibit "A" survey of land being conveyed.

The property described herein is not and never has been the homestead address of Darrell Grimm
His homestead address is listed below.

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 Grantor, either in law or
equity, for the use, benefit and profit of the said Grantee forever.

In Witness Whereof, the Grantor has hereunto set he/she hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Witness #1 Signature

Monica Grimm
Witness #1 Printed Name

[Signature]
Witness #2 Signature

Wanda Stewart
Witness #2 Printed Name

AA AFFORDABLE SEAWALL INC. A Florida
Corporation

By: Darrell Grimm, president
Whose address is 4813 NE 10TH AVE,
[Signature]

Darrell Grimm
whose address is: 221 SE 10th ST.
Pompano Beach, FL 33060

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 8th day of July, 2015, by Darrell Grimm, as president of
AA AFFORDABLE SEAWALL INC. a Florida Corporation and Darrell Grimm, individually, who is personally
known to me or who has produced Drivers license as identification.

SEAL



My Commission Expires:

[Signature]
Notary Signature

Diane Sunderland

Printed Notary Signature

DHG

**DAVID H. GREENBERG
COUNSELOR AND ATTORNEY AT LAW**

Admitted Florida Bar & New York Bar

1371 South Andrews Avenue - Pompano Beach, Florida 33069

TELE: (954) 943-8800

FAX: (954) 943-1314

EMAIL: getdavidhg@gmail.com

CELL: (954) 560-3283

July 7th, 2015

TO: Robin Bird-City of Pompano Beach, Florida-Planning & Zoning Department
RE: P&Z Board #09-1200018 (Address: 1 NE 5th Street, Pompano Beach, Florida)

I am counsel to **AA Affordable Seawall, Inc.**, a Florida corporation and **Darrell Grimm (Applicant)**, who has requested that I deliver this Opinion and has consented to reliance by the City of Pompano Beach Planning & Zoning department (COPB) on such Opinion and the Applicant has waived any privity between Applicant and me in order to permit said reliance by COPB. I consent to reliance on this Opinion by COPB.

In my capacity as counsel to Applicant, I have prepared or reviewed the title search for the Property and found the following:

Property Owner: **AA Affordable Seawall, Inc.**, a Florida corporation and **Darrell Grimm**

Folio # 4842 35 23 0041

Property Legal Description: See Exhibit "A" hereof.

Based on the foregoing, it is my opinion that the Fee Simple Owner of the Property (Property) described in Exhibit "A" attached hereto is: **AA Affordable Seawall, Inc.**, a Florida corporation and **Darrell Grimm**, subject to the following items: Mortgage in favor of U.S. Small Business Administration recorded at OR Book 41963, Page 333-339, together with that Additional Advance recorded at OR Book 43446, Page 890, Public Records of Broward County, Florida (see attached cover letter to US SBA and Partial Release of Mortgage form that has been emailed to US SBA for processing); (ii) Real Estate Taxes for 2015 and subsequent.

Exhibit "A":

The South 2.5 feet of the following described Property:

Lots 13 to 18, Block 1 of Corrected Plat of Perry & Wells Subdivision, according to the Platt thereof, as recorded in Plat Book 4, Page 21 of the Public Records of Broward County Florida, together with the South ½ of that certain ten foot alleyway lying north and adjacent to said lots & being South of Lots 5 through 12, Block 1 of Perry & Wells Corrected Subdivision, recorded in Plat Book 4, Page 21 of the Public Records of Broward County, Florida and located South of NE 6th Street and West of NE 1st Avenue.

Very truly yours,



RECORDED ELECTRONICALLY	
Date:	08/21/2015
Time:	09:36 AM
County:	Broward
INSTR#:	113184757
Book:	0 pg 1
Number of Pages:	2
THE TITLE COMPANY OF SOUTH FLORIDA	

STATE OF FLORIDA
COUNTY OF BROWARD

SBA Loan No. DLB 10779060-00

PARTIAL RELEASE OF LIEN

KNOW YE ALL MEN BY THESE PRESENTS, that the Small Business Administration, an agency of the government of the United States of America, is the owner and holder of that certain Promissory Note dated February 23, 2006, in the original principal amount of \$105,500.00, and that certain First Modification of Note dated November 9, 2006, increasing the principal amount to \$250,000.00, executed and delivered to the Administrator of the U.S. Small Business Administration by Darrell W. Grimm as President and Secretary of AA Affordable Seawall, Inc., which said Note and First Modification of Note are secured by, among other things, that certain Mortgage dated April 4, 2006 and executed by Darrell W. Grimm as President and Secretary of AA Affordable Seawall, Inc., a Florida corporation, in favor of the Administrator of the U.S. Small Business Administration, and filed for record on May 5, 2006, in Official Records Book 41963, Page 333 et seq., in the office of the BROWARD County Commission, FLORIDA.

Said Note and First Modification of Note are ALSO secured by, among other things, that certain Amendment to Mortgage and Statement of Additional Advance dated December 15, 2006 and executed by Darrell W. Grimm as President and Secretary of AA Affordable Seawall, Inc., a Florida corporation, in favor of the Administrator of the U.S. Small Business Administration, and filed for record on January 18, 2007, in Official Records Book 43446, Page 890 et seq., in the office of the BROWARD County Commission, FLORIDA.

FOR VALUE RECEIVED, the Administrator of the U.S. Small Business Administration does hereby release from the lien of the aforesaid Mortgage and Amendment to Mortgage and Statement of Additional Advance the following described real property ONLY, to-wit:

The South 2.5 feet of the following described Property:

Lots 13 to 18, Block 1 of Corrected Plat of Perry & Wells Subdivision, according to the Platt thereof, as recorded in Plat Book 4, Page 21 of the Public Records of Broward County Florida, together with the South ½ of that certain ten foot alleyway lying north and adjacent to said lots & being South of Lots 5 through 12, Block 1 of Perry & Wells Corrected Subdivision, recorded in Plat Book 4, Page 21 of the Public Records of Broward County, Florida and located South of NE 6th Street and West of NE 1st Avenue.

BUT this is a PARTIAL RELEASE ONLY, and it is expressly agreed and understood that this Partial Release is given upon the condition that neither this Partial Release nor anything herein contained shall in any wise release, diminish, alter or affect the lien upon the remaining property described in the aforesaid Mortgage and Amendment to Mortgage and Statement of Additional Advance, or any and all other security instruments securing said Note and First Modification of Note, and that this Partial Release is executed without representation, warranty or recourse, expressed or implied, upon the undersigned.

IT IS FURTHER hereby agreed between and among the parties, and NOTICE IS HEREBY GIVEN, that the terms "SBA," "Small Business Administration," "Small Business Administration, an agency of the United States of America," and "Administrator of the Small Business Administration, an agency of the Government of the United States of America" are the same and synonymous; and that the real party in interest is the Government of the United States of America.

RECORDED ELECTRONICALLY
Date 8/11/2015 County Rowlett
ID 113184757
Book 2 Page 2
The Title Company of South FL

IN WITNESS WHEREOF, the Small Business Administration has, as and for its official act and pursuant to the authority delegated in 13 C.F.R. § 101, et seq., caused this Partial Release of Lien to be executed by Terry J. Miller, Center Counsel, pursuant to the delegation of authority contained in Delegation of Authority, No. 12-D, Revision 3, Re-delegation of Disaster Assistance, published in the Federal Register, Vol. 58, No. 206, page 57891, October 23, 1993.

MARIA CONTRERAS-SWEET, ADMINISTRATOR
U.S. Small Business Administration

By: Terry J. Miller
Terry J. Miller, Center Counsel

SIGNED BEFORE
THE FOLLOWING WITNESSES:

Kathleen Ford
Printed name: Kathleen Ford

Consueba Walker
Printed name: Consueba Walker

STATE OF ALABAMA
COUNTY OF JEFFERSON

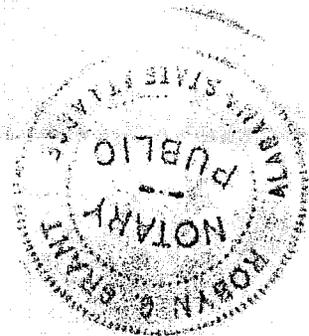
I, the undersigned Notary Public in and for said County and State, do hereby certify that Terry J. Miller, whose name as Center Counsel of the Birmingham Disaster Loan Servicing Center of the U.S. Small Business Administration, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being thoroughly knowledgeable of the contents of the said instrument, he did execute the same voluntarily on the date shown, as and for the official act of said Small Business Administration.

Given under my hand and official seal on August 11, 2015.

Robyn G. Grant
Robyn G. Grant, Notary Public

My Commission expires November 9, 2016.

This instrument prepared by:
Terry J. Miller, Center Counsel
SBA Disaster Loan Servicing Center
801 Tom Martin Drive, Suite 120
Birmingham, AL 35211



CITY OF POMPANO BEACH
BROWARD COUNTY
FLORIDA

DEVELOPMENT ORDER

PLANNING AND ZONING NO. 09-12000018

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 AA AFFORDABLE SEAWALL INC.

WHEREAS, Section 155.2204, of the Code of Ordinances, authorizes the Planning and Zoning Board (Local Planning Agency) to issue a twenty-one (21) months extension of the final development order for the subject project which consists of the construction of a 7,000 square foot metal building, a dumpster, sidewalks, parking and landscaping. The property is located at 15 NE 5th Street; more specifically described in the legal description below.

LOTS 13 TO 18, BLOCK 1 OF CORRECTED PLAT OF PERRY & WELLS SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 21 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH THE SOUTH ½ OF THAT CERTAIN TEN FOOT ALLEYWAY LYING NORTH AND ADJACENT TO SAID LOTS & BEING SOUTH OF LOTS 5 THROUGH 12, BLOCK ONE OF PERRY & WELLS CORRECTED SUBDIVISION, RECORDED IN PLAT BOOK 4, PAGE 21 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND LOCATED SOUTH OF NE 6TH STREET AND WEST OF NE 1ST AVENUE.

The Application for Development Permit is hereby approved by the Planning and Zoning Board (Local Planning Agency).

WHEREAS, the petitioner has made a timely request for the modification of the expiration date of the MAJOR SITE PLAN AND ADJUSTMENT granted in conjunction with the Development Order and has demonstrated by the evidence presented that the MAJOR SITE PLAN AND ADJUSTMENT should be modified by granting an extension of said expiration date;

IT IS THEREFORE ORDERED THAT:

The MAJOR SITE PLAN AND ADJUSTMENT granted in conjunction with the Development Order is hereby modified by granting an extension making the modified expiration date April 22, 2017.

DEVELOPMENT ORDER

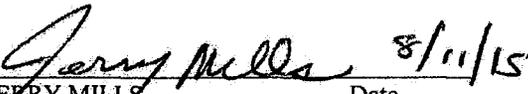
Planning and Zoning Board/Local Planning Agency

Planning and Zoning No. 09-12000018

Page 2

All other terms and conditions of said The MAJOR SITE PLAN AND ADJUSTMENT, as previously granted, shall remain the same.

Heard before the Planning and Zoning Board/Local Planning Agency and Ordered this 22nd day of July, 2015.


JERRY MILLS Date
Vice Chairman
Planning and Zoning Board/Local Planning Agency

Filed with the Advisory Board Secretary this 11 day of August, 2015.


KERRIE MACNEIL
Zoning Technician

CITY OF POMPANO BEACH
BROWARD COUNTY
FLORIDA

DEVELOPMENT ORDER

PLANNING AND ZONING NO. 09-1200018

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 157 OF THE CODE OF ORDINANCES; APPROVING WITH CONDITIONS THE APPLICATION FOR DEVELOPMENT PERMIT FOR AA AFFORDABLE SEAWALL, INC.

WHEREAS, Section 157.05, of the Code of Ordinances, defines the project referenced above as a Major Review; and

WHEREAS, Section 157.32, of the Code of Ordinances, authorizes the Planning and Zoning Board (Local Planning Agency) to issue a final development order for the subject project which consists of the construction of a 7,000 square foot metal building. In addition to the new fabricated metal building, the proposed improvements include a dumpster, sidewalks, parking and landscaping. The property is located at 15 NE 5th Street; more specifically described in the legal description attached hereto as Exhibit "A".

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 March 27, 2013.

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

1. Prior to building permit approval, provide the following:
 - a. Provide 2.5' of right-of-way dedication for NE 5th Street (60', 30' to CL).
 - b. A sidewalk must be constructed along NE 5th Street.

2. All signage must comply with the sign code and approved by the Architectural Appearance Committee (AAC).
3. Landscape and irrigation plans must comply with zoning code requirements.
4. The overhead doors that face NE 5 Street must be relocated, or revised to comply with 155.003, definition of "TOTALLY AND PERMANENTLY ENCLOSED BUILDING."

ADJUSTMENT OF DEVELOPMENT STANDARDS

In accordance with the authority granted to the Board pursuant to Section 157.45 of Chapter 157 of the Code of Ordinances, the Planning and Zoning Board/Local Planning Agency hereby grants an ADJUSTMENT OF DEVELOPMENT STANDARDS to provide 12 parking spaces rather than the required 15 parking spaces as required by code; a 20% parking reduction, as allowed by 157.45 (E).

In granting this action it is the finding of the Planning and Zoning Board/Local Planning Agency that this ADJUSTMENT does 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 157.45 (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 27th day of March, 2013.



JIM BEESON
Chairman
Planning and Zoning Board/Local Planning Agency

Filed with the Advisory Board Secretary this 9 day of April, 2013.



CASSANDRA LEMASURIER
Zoning Technician

EXHIBIT A

LOTS 13 TO 18, BLOCK 1 OF CORRECTED PLAT OF PERRY & WELLS SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 21 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH THE SOUTH ½ OF THAT CERTAIN TEN FOOT ALLEYWAY LYING NORTH AND ADJACENT TO SAID LOTS & BEING SOUTH OF LOTS 5 THROUGH 12, BLOCK ONE OF PERRY & WELLS CORRECTED SUBDIVISION, RECORDED IN PLAT BOOK 4, PAGE 21 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND LOCATED SOUTH OF NE 6TH STREET AND WEST OF NE 1ST AVENUE.