

Meeting Date: 11/10/2015

Agenda Item 7

Consent Ordinance Resolution Consideration Workshop

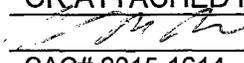
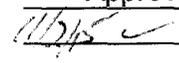
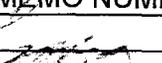
SHORT TITLE OR MOTION: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM 300 E ATLANTIC COFFEE LLC TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

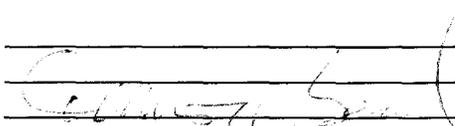
The applicant has obtained site plan approval for the property located at 300 E Atlantic Blvd (PZ Number: 14-12000050, Folio: 494201020010). As a condition of approval, the applicant is required to dedicate the west five (5) feet of the property for right-of-way for SE 3rd Avenue in order to meet code requirements. Included herein are the deed and the appropriate exhibits for said right-of-way dedication.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: 300 E ATLANTIC COFFEE LLC
- (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 OR ATTACHED MEMO NUMBER
Dev. Services	09/04/2015	Approval	
City Attorney	09/14/2015		CAC# 2015-1614 

Advisory Board
 Public Works Administrator
 City Manager 



ACTION TAKEN BY COMMISSION:

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



RECEIVED
PLANNING/ZONING

2015 SEP 16 AM 9:31

CITY OF POMPANO BEACH

City Attorney's Communication #2015-1614
September 14, 2015

TO: Scott Reale, AICP, Planner
FROM: Mark E. Berman, City Attorney
RE: Resolution – Right-of-Way Dedication / 300 E. Atlantic Blvd.

As requested in your memorandum of September 4, 2015, Department of Development Services Memorandum #15-472, 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, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM 300 E ATLANTIC COFFEE LLC TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

Prior to submitting the resolution to the City Commission, the address for the city must be filled in on the Quit Claim Deed.


MARK E. BERMAN

/jrm
l:cor/dev-srv/2015-1614

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 300 E ATLANTIC COFFEE LLC TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, 300 E Atlantic Coffee 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 300 E Atlantic Coffee LLC dated September 3, 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

Prepared By and Return To:
BEATRIZ M. CAPOTE, ESQ.
CAPOTE & CAPOTE, P.A.
1111 Brickell Avenue, Suite 2200
Miami, Florida 33131

QUITCLAIM DEED

THIS QUITCLAIM DEED, executed this 3rd day September, 2015, by **300 E ATLANTIC COFFEE, LLC**, a Florida limited liability company ("Grantor"), whose address is 550 S. Federal Highway, Dania, FL 33004, to **CITY OF POMPANO BEACH**, a municipal corporation ("Grantee"), whose address is 100 W. ATLANTIC BLVD., Pompano Beach, FL 33060.

(Wherever used herein the terms "Grantor" and "Grantee" 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 Grantor, for and in consideration of the sum of TEN and NO/100 (\$10.00) DOLLARS, in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said Grantee forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described 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.

The above described land is hereby deeded to the City of Pompano Beach for road right-of-way purposes with a reverter to the grantor, its successors and assigns, in the event of non-use or the abandonment of said land for road right-of way purposes.

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 the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantee forever.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

Lacresha Ruffin
Print Name: Lacresha Ruffin

300 E ATLANTIC COFFEE, LLC, a
Florida limited liability company

By: *Michael Koroghlian*
MICHAEL KOROGHLIAN, Manager

Wendolyn Palmer
Print Name: Wendolyn Palmer

STATE OF FLORIDA

COUNTY OF BROWARD

This instrument was acknowledged before me this 3rd day of September, 2015 by MICHAEL KOROGHLIAN, as Manager of 300 E ATLANTIC COFFEE, LLC, a Florida limited liability company, who is personally known to me or who produced FIDL KL24-543-75-007-0 as identification.

My commission expires:

Lacresha Ruffin
Notary Public
Print Name: Lacresha Ruffin

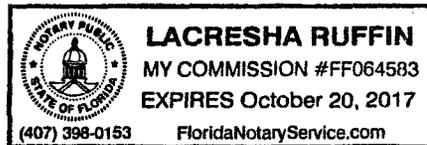
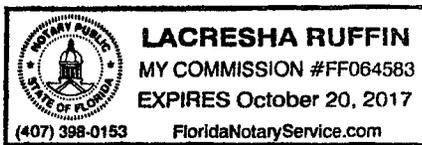


Exhibit A



SKETCH AND LEGAL DESCRIPTION

BY
PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



LEGAL DESCRIPTION:

A PORTION LOTS 3, 4, 5, 6, 7, 8, AND 9, "RUSTIC BRIDGE PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, PAGE 96, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 01°00'26" WEST ON THE WEST LINE OF SAID LOTS 3, 4, 5, 6, 7 AND 8, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF SOUTHEAST 3RD AVENUE (RUSTIC BRIDGE BOULEVARD) 140.00 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST ATLANTIC BOULEVARD (STATE ROAD NO. 814) AS RECORDED IN OFFICIAL RECORDS BOOK 15052, PAGE 0183, OF SAID PUBLIC RECORDS; THENCE NORTH 82°37'43" EAST ON SAID SOUTHERLY RIGHT-OF-WAY LINE 5.03 FEET; THENCE SOUTH 01°00'26" EAST ON A LINE LYING 5.00 FEET OF AND PARALLEL WITH THE SAID WEST LINE OF LOTS 3, 4, 5, 6, 7, 8 AND 9 AND SAID EAST RIGHT-OF-WAY LINE 143.35 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 9; THENCE NORTH 61°51'22" WEST ON SAID SOUTHERLY LINE 5.73 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA AND CONTAINING 708 SQUARE FEET (0.0163 ACRES), MORE OR LESS.

NOTES:

- 1) BEARINGS ARE BASED ON THE EAST RIGHT-OF-WAY LINE OF SE 3rd AVENUE (RUSTIC BRIDGE BOULEVARD) BEING N01°00'26"W.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

FILE: THOMAS ENGINEERING GROUP

SCALE: N/A

DRAWN: L.S.

ORDER NO.: 59706

DATE: 8/27/15

5' RIGHT-OF-WAY DEDICATION

POMPANO BEACH, BROWARD COUNTY, FLORIDA

FOR: DUNKIN DONUTS 300 E ATLANTIC BLVD

SHEET 1 OF 2

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2

JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
 BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136



SKETCH AND LEGAL DESCRIPTION

BY

PULICE LAND SURVEYORS, INC.

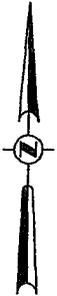
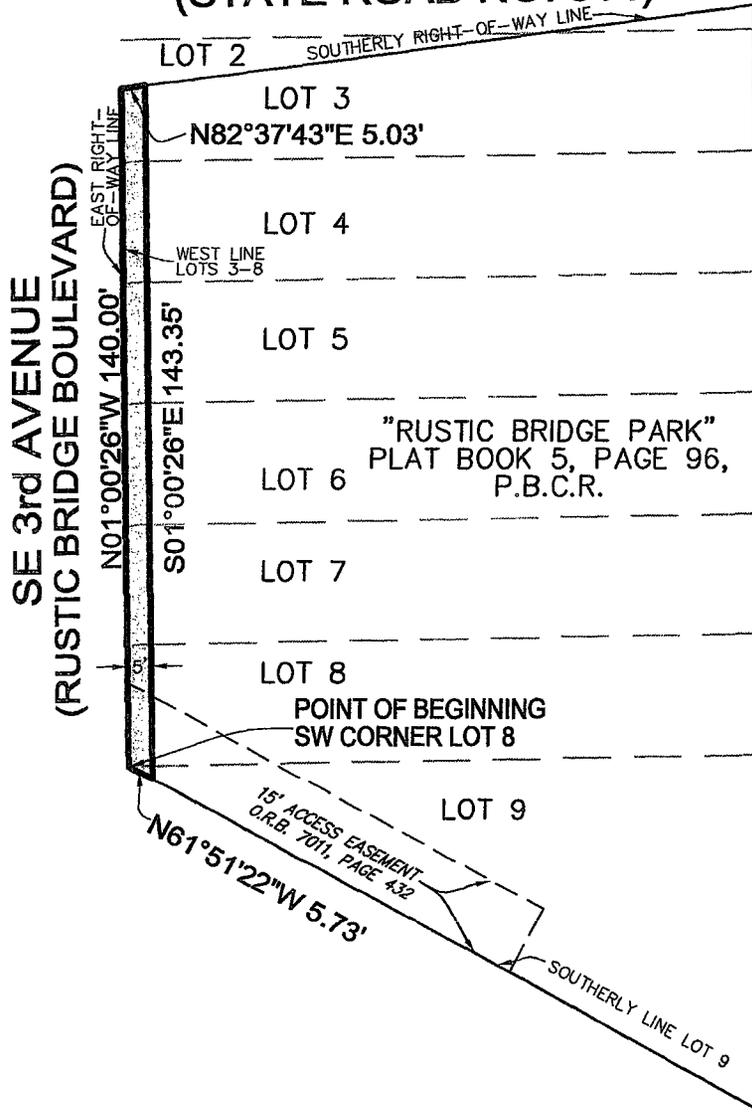
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



**EAST ATLANTIC BOULEVARD
(STATE ROAD NO. 814)**



FILE: THOMAS ENGINEERING GROUP

SCALE: 1"=40'

DRAWN: L.S.

ORDER NO.: 59706

DATE: 8/27/15

5' RIGHT-OF-WAY DEDICATION

POMPAÑO BEACH, BROWARD COUNTY, FLORIDA

FOR: DUNKIN DONUTS 300 E ATLANTIC BLVD

SHEET 2 OF 2

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2

LEGEND:

O.R.B. OFFICIAL RECORDS BOOK

P.B.C.R. PALM BEACH COUNTY RECORDS

DEVELOPMENT ORDER
(14 -12000050)

A DEVELOPMENT ORDER ISSUED BY THE CHAIRMAN OF THE DEVELOPMENT REVIEW COMMITTEE, CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, PURSANT TO SECTION 155.2407, CODE OF ORDINANCES; APPROVING THE APPLICATION FOR THE DEVELOPMENT PERMIT FOR SITE IMPROVEMENTS ON THE PROPERTY LOCATED AT 300 E ATLANTIC BLVD.

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

WHEREAS, the application for development permit complies with the applicable standards and minimum requirements of this code;

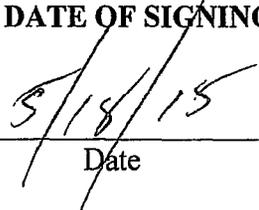
WHEREAS, a copy of the final site plan is attached hereto as Exhibit "A" and is incorporated herein by reference as if set forth in full.

The Application for Development Permit is hereby approved by the Development Services Director as Chairman of the Development Review Committee subject to the following DRC comments from the meeting of February 19, 2015:

1. Signage shall be reviewed under separate permit.
2. Relocate dumpster and dumpster enclosure outside of the 15' access easement.
3. Dedicate right-of-way to 30' to centerline and provide a sidewalk along SE 3rd Avenue.
4. Provide 10' wide vehicular perimeter landscape strip on east side.
5. Provide a Type B buffer detail showing trees, hedges, and fence or wall.
6. Provide an alternate large canopy tree species to pigeon plums in rear parking area.
7. Change silver buttonwoods inside parking area on the northwest corner to medium and large canopy trees respectively.

EXPIRATION DATE IS 24 MONTHS FROM THE DATE OF SIGNING


Robin M. Bird, Development Services Director


Date