

REQUESTED COMMISSION ACTION:

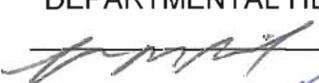
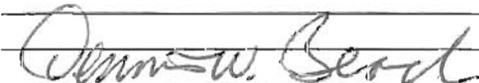
Consent Ordinance Resolution Consideration/Discussion Presentation

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

Summary of Purpose and Why:

The applicant is dedicating the necessary right-of-way as required in order to obtain a principal building permit. The property is located at 1930 NW 8th Street. The dedication includes ten (10) feet along NW 8th Street. Included herein is the deed and the appropriate exhibits for said right-of-way dedication.

- (1) Origin of request for this action: Kenny Davis Contracting, LLC
- (2) Primary staff contact: Beth Dubow / Robin Bird Ext. 4045
- (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	11/25/2015	Approval	
City Attorney	11/13/2015		CAC: #2016-184 
<input type="checkbox"/> Advisory Board			
<input checked="" type="checkbox"/> City Manager 			

ACTION TAKEN BY COMMISSION:

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



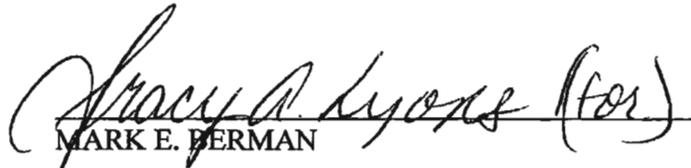
City Attorney's Communication #2016-184
November 13, 2015

TO: Beth Dubow, Zoning Technician
FROM: Mark E. Berman, City Attorney
RE: Resolution Accepting Conveyance of Right-of-Way

As requested in your memorandum of received in our office November 9, 2015, Department of Development Services Memorandum No. 15-568, 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 KENNY DAVIS CONTRACTING, LLC TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

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


MARK E. BERMAN

/jrm
l:cor/dev-srv/2016-184

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 KENNY DAVIS CONTRACTING, LLC TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Kenny Davis Contracting, LLC, is willing to convey to the City of Pompano Beach certain real property via a Special Warranty 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 Dedication; 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 Kenny Davis Contracting, LLC dated October 12, 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:
Kenny M. Davis
7160 NW 47th Place
Lauderhill, Florida 33019

Folio No. **4842 34 08 0270**

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made this 12 day of OCTOBER, 2015, between the **KENNY DAVIS CONTRACTING, LLC**, a Florida limited liability company, whose address is 7160 NW 47th Place, Lauderhill, Florida 33319, (hereinafter called the "Grantor") and **CITY OF POMPANO BEACH**, a public body corporate and politic, whose address is 100 West Atlantic Boulevard, Pompano Beach, Florida 33060 (hereinafter called the "Grantee").

WITNESSETH

That Grantor, for and in consideration of the sum of TEN and No/100 DOLLARS (\$10.00) and other good and valuable consideration to Grantor in hand paid by Grantee, receipt of which is hereby acknowledged, has granted, bargained and sold to Grantee, and Grantee's heirs, successors and assigns forever, all that certain land situate, lying and being in the County of Broward, State of Florida, to wit:

The North 10 Feet of Lot 4, Block 2, of WILLIAMS SUBDIVISION, according to the plat thereof, as recorded in Plat Book 28 Page 47, of the Public Records of Broward County, Florida

SUBJECT TO: (a) Zoning, restrictions, prohibitions and other requirements imposed by governmental authority; (b) Restrictions appearing on the plat or otherwise common to the subdivision; (c) Public utility easements of record (without serving to impose same).

ALL TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in otherwise appertaining.

TO HAVE AND TO HOLD, at the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through and under Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

GRANTOR:

Signed, Sealed and Witnessed
In the Presence of:

KENNY DAVIS CONTRACTING LLC
a Florida limited liability company

[Signature]
Print Name: Jon Brockell

By: [Signature]
Kenny M. Davis
Managing member

[Signature]
Print Name: Lauren Miller

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 12TH day of October, 2015, by Kenny M. Davis, as Managing Member of Kenny Davis Contracting LLC, a Florida limited liability company. He is personally known to me or who has produced _____ (type of identification) as identification.

NOTARY'S SEAL:

[Signature]
NOTARY PUBLIC, STATE OF FLORIDA



LAUREN MILLER
MY COMMISSION # FF 143305
EXPIRES: September 29, 2018
Bonded Thru Budget Notary Services

Lauren Miller
(Name of Acknowledger Typed, Printed or Stamped)

143305
Commission Number

DAVID R. ROY, P.A.
Attorneys At Law

David R. Roy, Esq.
4209 N. Federal Hwy.
Pompano Beach, FL 33064

Tel: (954) 784-2961
Fax: (954) 784-2965
E-Mail: david@davidroy.com
Web-Site: www.davidroy.com

October 7, 2015

City of Pompano Beach
100 W Atlantic Blvd, Room 276
Pompano Beach, FL 33060

RE: Opinion of Title - Right of Way Dedication
1930 NW 8th Street, Pompano Beach, FL 33069
15-DR-1057

To Whom This May Concern:

This Opinion of Title is furnished to the City of Pompano Beach with respect the Right-of-Way dedication from Kenny Davis Contracting, LLC and I hereby certify that I have examined evidence of record title, covering the following described property being dedicated to the City of Pompano Beach, certified to be complete through October 1, 2015 at 11:00 p.m., and as shown by the enclosed sketch prepare by Paul A Davis, Inc., to wit:

The North 10 feet of Lot 4, Block 2, Williams Subdivision, according to the Plat Book 28, Page 47 of the Public Records of Broward County, Florida.

Such evidence reflects that the fee simple title to the property is vested in the name of Kenny Davis Contracting, LLC, subject to the following:

Current taxes, rights of parties in possession, if other than the owners, questions of survey, restrictions, easements and zoning ordinances. Taxes for the year 2014 were shown as paid; under Folio No. 484234-08-0270.

Mechanic's and materialmen's liens for labor done or materials furnished to the property; however, no claims of liens appear of record.

Unpaid waste, water and sewer liens, if any.

Mortgages or secured lines of credit:

- A. Mortgage in favor of Gaddis Capital Corporation; as recorded August 25, 2015, Instrument No. 113192276, of the Public Records of Broward County, Florida.

Judgments or other Encumbrances:

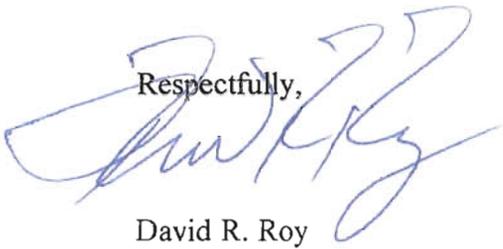
- A. None.

Parties in Possession under unrecorded Lease Agreements, if any.

Riparian and littoral rights.

This Opinion of Title is not intended to be a guaranty or warranty of the status of the title to the real property described herein and is only to be utilized by the addressee only.

Respectfully,



David R. Roy
Attorney At Law



October 8, 2015

City of Pompano Beach
Attn. Development Services
100 East Atlantic Blvd
Pompano Beach, Florida 33060

RE: **Permit # 15-6713**
1930 NW 8th Street
Property ID # **4842 34 08 0270**

To whom it may Concern,

Please accept this letter as our formal acknowledgement of the insufficient Right-of Way located in front of the above mention residential lot. It is my understanding that a 25 foot street right-of way width is required from centerline of road to property, per city's development codes.

As of this letter, the existing overall street right-of way 30 feet fronting the subject property based on the attached lot survey dated 6/05/2015.

KDC the Owner of the property, desire to build a new single family home on this property and have **NO Problem** in dedicating the additional Right-of Way of 10 feet along the front property line of this lot. The total square footage to be dedicated to the City of Pompano Beach at this time is 500sf.

I hope upon your review of the attached documents, an approval of our proposed project can be obtained.

Sincerely

A handwritten signature in blue ink that reads 'Kenny M. Davis'. The signature is fluid and cursive, with a large initial 'K'.

Kenny M. Davis, Managing Member
Kenny Davis Contracting LLC

Enclosures

This Instrument Prepared By:
DAVID R. ROY, PA.
David R. Roy, Esq.
4209 N. Federal Hwy.
Pompano Beach, FL 33064

File No. 15-DR-1057

[Space Above This Line For Recording Data]

PARTIAL RELEASE OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS: That, Gaddis Capital Corporation, a Florida corporation, the owners and holders of a certain mortgage deed executed by Kenny Davis Contracting, LLC, a Florida limited liability company, to Gaddis Capital Corporation, a Florida corporation, recorded August 25, 2015, Instrument No. 113192276, of the Public Records of Broward County, Florida, securing a certain note and certain promises and obligations set forth in said mortgage deed, upon the property situated in said State and County described as follows, to wit:

The North 10 feet of Lot 4, Block 2, Williams Subdivision, according to the Plat Book 28, Page 47 of the Public Records of Broward County, Florida.

hereby acknowledge that the Mortgagor, Kenny Davis Contracting, LLC, in order to meet the land development requirements of the City of Pompano Beach, has requested release of the aforementioned Right-of-Way and Mortgagee has agreed to accommodate the Mortgagor in this respect.

Mortgagee further acknowledge and does remise, release, quit claim, exonerate, and discharge from the lien and operation of the Mortgage that certain portion of the land that is currently encumbered by the Mortgage; said portion being more particularly described in the Sketch and Description by Paul A. Davis, Inc. and attached hereto.

SIGNATURE AND NOTARY BLOCK ON FOLLOWING PAGE.

WITNESS my hand and seal this 9TH day of October, 2015.

WITNESSES:

Gaddis Capital Corporation, a Florida
corporation

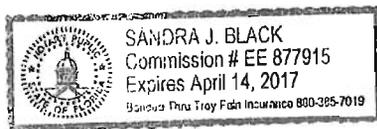
Sign: Loren Miller
Print: Loren Miller

Jesse P. Gaddis
Jesse P. Gaddis, President

Sign: Sandra J. Black
Print: SANDRA J. BLACK

STATE OF FLORIDA
COUNTY OF BROWARD

I HEREBY CERTIFY that on this 9TH day of October, 2015, before me an officer
duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments,
personally appeared Jesse P. Gaddis, President for Gaddis Capital Corporation, a Florida
corporation, who is personally known to me or who has produced n/a as
identification.



Sandra J. Black
NOTARY PUBLIC

CITY OF POMPANO BEACH AERIAL MAP



1 in = 300 ft

RIGHT- OF - WAY DEDICATION

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

12/9/2015

KeeDan