

Meeting Date: March 22, 2016

Agenda Item 4

REQUESTED COMMISSION ACTION:

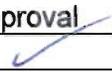
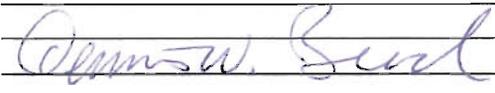
Consent     Ordinance     Resolution     Consideration/Discussion     Presentation

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 1946 NW 8<sup>th</sup> Street. The dedication includes ten (10) feet along NW 8<sup>th</sup> 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	03/03/2016	Approval	
City Attorney	<u>2/9/16</u>		
Advisory Board			
<input checked="" type="checkbox"/> City Manager 			

ACTION TAKEN BY COMMISSION:

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





**City Attorney's Communication #2016-548**

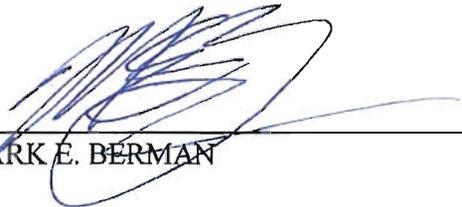
February 25, 2016

**TO:** Beth Dubow, Planner  
**FROM:** Mark E. Berman, City Attorney  
**RE:** Resolution – Right-of-Way Dedication from Kenny Davis Contracting, LLC

As requested in your memorandum of February 11, 2016, Department of Development Services Memorandum #16-029, 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.



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MARK E. BERMAN

MEB/jrm  
l:cor/dev-srv/2016-548

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 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 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 Kenny Davis Contracting, LLC dated December 18, 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 \_\_\_\_\_, 2016.

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

**ATTEST:**

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

**PREPARED BY:**  
Kenny M. Davis  
7160 NW 47<sup>th</sup> Place  
Lauderhill, Florida 33019

Folio No. **4842 34 08 0290**

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED, made this 18<sup>th</sup> day of DECEMBER, 2015, between the **KENNY DAVIS CONTRACTING, LLC**, a Florida limited liability company, whose address is 7160 NW 47<sup>th</sup> 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 6, 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

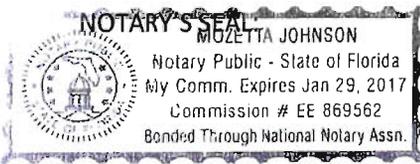
*Amanda S. Ramer*  
Print Name: Amanda S Ramer

By: *Kenny M. Davis*  
Kenny M. Davis  
Managing member

*Carly D. Stocum*  
Print Name: Carly D. Stocum

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of December, 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 FL DAVE License (type of identification) as identification.



*Mozeetta Johnson*  
NOTARY PUBLIC, STATE OF FLORIDA

MOZETTA JOHNSON  
(Name of Acknowledger Typed, Printed or Stamped)

EE 869562  
Commission Number



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

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

Tel: 954-784-2961  
Fax: 954-784-2965  
Email: [david@davidroy.com](mailto:david@davidroy.com)  
Website: [www.davidroy.com](http://www.davidroy.com)

December 18, 2015

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

RE: Opinion of Title - Right of Way Dedication  
1946 NW 8<sup>th</sup> Street, Pompano Beach, FL 33069  
15-DR-1098

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 December 10, 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 6, Block 2, WILLIAMS SUBDIVISION, according to the Plat thereof as recorded in 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 2015 were shown as paid; under Folio No. 484234-08-0290.

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 December 10, 2015, Instrument No. 113394205, of the Public Records of Broward County, Florida.

Judgments or other Encumbrances:

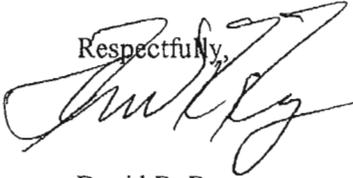
- A. None.

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,

A handwritten signature in black ink, appearing to read "David R. Roy", written over the word "Respectfully,".

David R. Roy  
Attorney At Law



January 6, 2016

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

RE: 1946 NW 8<sup>th</sup> Street  
Property ID # **4842 34 08 0290**  
Permit # **15- 9379**

**To whom it may Concern,**

Please except this letter and 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. Please find attached the following documents supporting this dedication.

- Special Warranty Deed
- Attorney's Opinion of Title
- Partial Release of Mortgage
- Sketch and Legal Description of ROW

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 written in a cursive, flowing style.

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-1098

\_\_\_\_\_ [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 December 10, 2015, Instrument No. 113394205, 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 6, Block 2, WILLIAMS SUBDIVISION, according to the Plat thereof as recorded in 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.

Partial Release of Mortgage  
page 2 of 2  
15-DR-1098

WITNESS my hand and seal this 17<sup>TH</sup> day of December, 2015.

WITNESSES:

Gaddis Capital Corporation, a Florida  
corporation

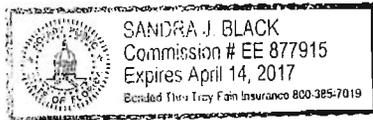
Sign: *Lauren Miller*  
Print: Lauren Miller

*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 17<sup>TH</sup> day of December, 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



