

Meeting Date: July 12, 2016

Agenda Item

14

REQUESTED COMMISSION ACTION:

X Consent Ordinance X Resolution Consideration/ Discussion Presentation

SHORT TITLE

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM THE CITY OF POMPANO BEACH TO THE CITY OF POMPANO BEACH FOR RIGHT-OF-WAY PURPOSE; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

NE 47 Street is a land-locked alley being accessed through an easement established on the commercial property located at 4699 N Federal Highway. As illustrated on copies of the legal description and legal sketch, approximately 10 feet of each City-owned property located at 4700 NE 18 Avenue (Lot 6 Block 32) and 4710 NE 18 Avenue (Lot 5 Block 32) are being dedicated in order to extend NE 47 Street westward to be connected to NE 18 Avenue. As a result, residential properties along NE 47 Street will gain access from public right-of-way, rather than an access easement. Subsequent to the dedication, a small portion of Lot 6 (50.19 sq.ft.) is being separated from the main lot. The small portion of Lot 6 must be unified with Lot 5 in order to create a continuous parcel of land. There are three companion items on the City Commission agenda associated with the NE 47 Street extension.

- A. Executing a Quit-Claim-Deed
B. Accepting Conveyance
C. Executing a Declaration of Unity of Title.

This agenda form is to complete the item B, accepting Conveyance. Note that the comment on the City Attorney's Communication #2016-937 has been addressed.

- (1) Origin of request for this action: Development Services Dept.
(2) Primary staff contact: Robin M. Bird/ Jae Eun Kim Ext. 7778
(3) Expiration of contract, if applicable: N/A
(4) Fiscal impact and source of funding: N/A

Table with 4 columns: DEPARTMENTAL COORDINATION, DATE, DEPARTMENTAL RECOMMENDATION, DEPARTMENTAL HEAD SIGNATURE. Rows include Dev. Services, City Attorney, and handwritten signatures.

X City Manager

Table with 4 columns: Ordinance Workshop, Resolution, Consideration, Results. Rows include 1st Reading and 2nd Reading.



**City Attorney's Communication #2016-937**

June 21, 2016

**TO:** Jae Eun Kim, Planner  
**FROM:** Mark E. Berman, City Attorney  
**RE:** Resolutions – Quit Claim Deed for Right-of-Way

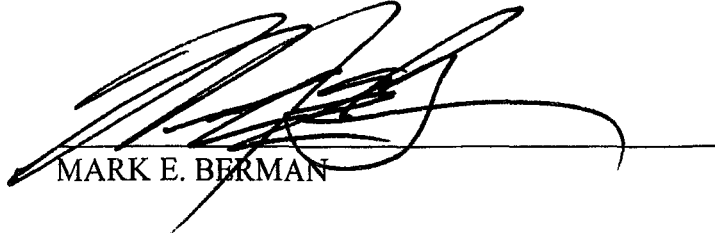
As requested in your memorandum the following forms of Resolution, relative to the above-referenced matter, have been prepared and are attached:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A QUIT CLAIM DEED FOR RIGHT-OF-WAY EXTENDING NE 47<sup>TH</sup> STREET; PROVIDING AN EFFECTIVE DATE.**



**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM THE CITY OF POMPANO BEACH TO THE CITY OF POMPANO BEACH FOR RIGHT-OF-WAY PURPOSES; PROVIDING AN EFFECTIVE DATE.**

You are missing and need to attach a survey of that portion of Lot 6 describing the portion of right-of-way through Lot 6, minus the triangular portion being joined with Lot 5. All surveys utilized must have original signatures and seals.

  
MARK E. BERMAN

/jrm  
l:cor/dev-srv/2016-937

Attachments

**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 THE CITY OF POMPANO BEACH TO THE CITY OF POMPANO BEACH FOR RIGHT-OF-WAY PURPOSES; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Pompano Beach is willing to convey to the City of Pompano Beach certain real property via Quit Claim Deed for future right-of-way; 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 conveyances of real property from the City of Pompano Beach, 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**

**This Instrument Prepared By:**  
Mark E. Berman, City Attorney  
City of Pompano Beach  
P. O. Box 2083  
Pompano Beach, Florida 33061

**QUIT CLAIM DEED FOR RIGHT-OF-WAY**

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by

**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 "first party," 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 "second party," to

(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 for right-of-way and the right to provide service to maintain, repair and replace and have access to said right-of-way, and all other public purposes as Second Party may deem necessary over, along, through, in, above and under that certain 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.**

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 first party has signed and sealed these presents the day and year first above written.

WITNESSES:

\_\_\_\_\_

(Print or Type Name)

\_\_\_\_\_

(Print or Type Name)

Attest:

\_\_\_\_\_  
Asceleta Hammond, City Clerk

(SEAL)

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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 is personally known to me.

NOTARY'S SEAL:

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

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

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

MEB/jrm  
6/21/16  
l:realest/2016-936

CITY OF POMPANO BEACH

*Note: This signature will be obtained on the July 12<sup>th</sup> City Commission*

DENNIS BEACH, CITY MANAGER

*by separate agenda item.*

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



# Munson Design & Consulting

LB# 7958

P.O. Box 771058 Phone: 954-340-5291  
Coral Springs, Florida 33177  
Email: dennis@mdcengineers.com

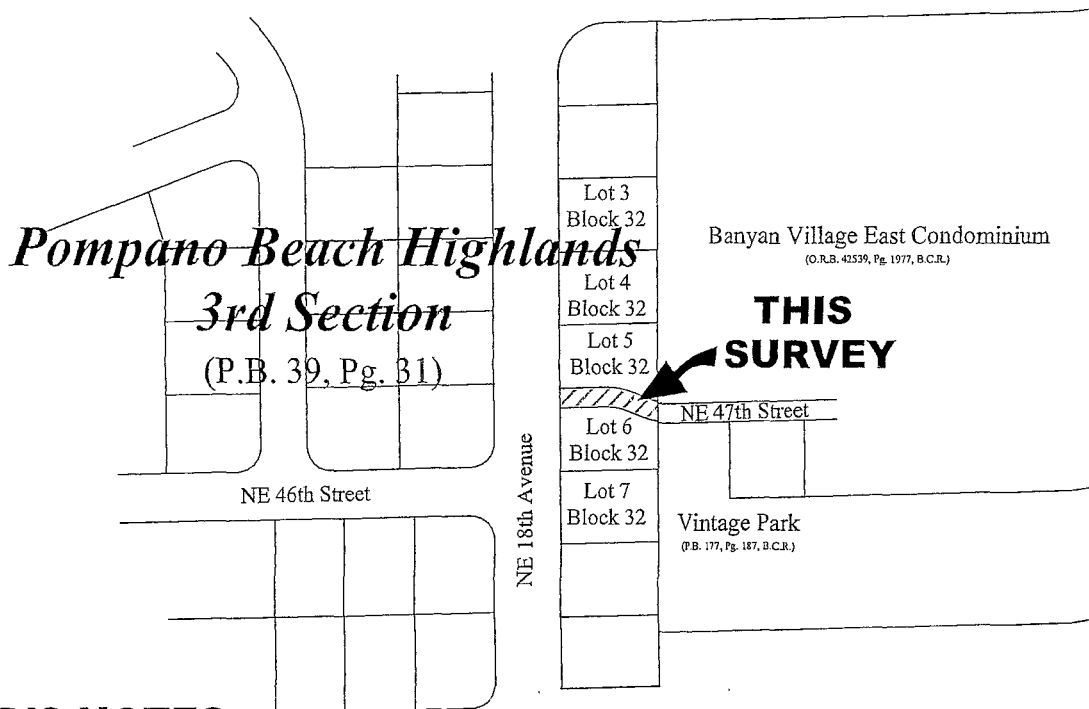
Sheet 1 of 3

## EXHIBIT A(1)

**THIS SURVEY**



### LOCATION SKETCH NTS



### SURVEYOR'S NOTES:

1. BEARING REFERENCE: The Bearings shown hereon are on an assumed basis.
2. This is not a survey, but only a graphic depiction of the land shown hereon and its calculated legal description. No boundary corners were set in the field related to this sketch.
3. All recordings shown hereon are referenced to the Public Records of Broward County, Florida.

No.	REVISIONS	DATE

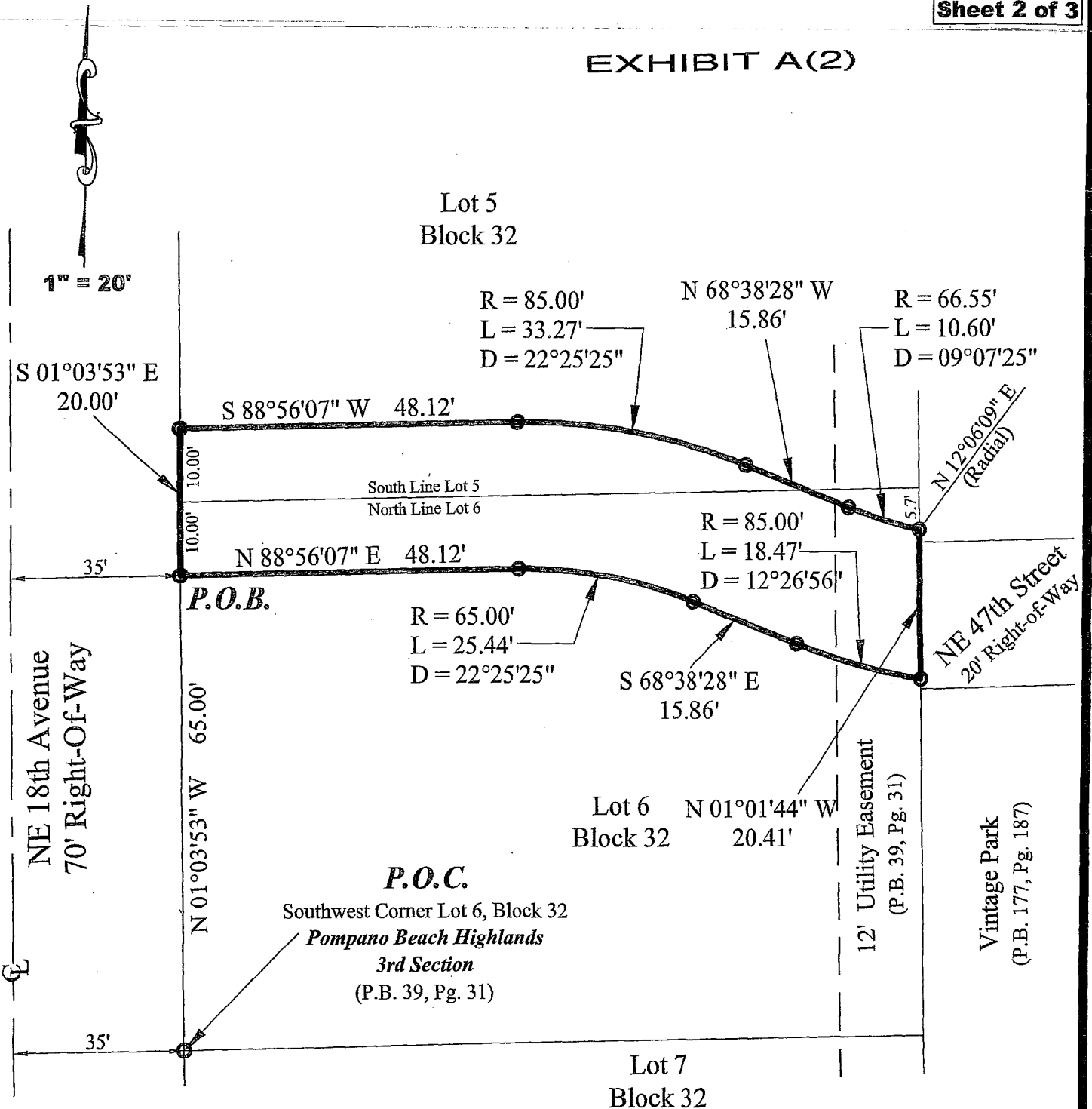
**NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER**

03/21/2016  
DENNIS J. GABRIELE  
Professional Surveyor and Mapper  
NO. LS 5709  
State of Florida

JOB NO. 15-1124 | DRAWN BY: MRK | QC: DJG | SCALE: N.T.S.



## EXHIBIT A(2)



### Legend

- P.O.B. = Point of Beginning
- P.B. = Plat Book
- Pg. = Page
- R = Radius
- L = Arc Length
- D = Delta (Central Angle)
- O.R.B. = Official Records Book



EXHIBIT A(3)

**LEGAL DESCRIPTION**

A portion of Lots 5 and 6, Block 32, *Pompano Beach Highlands 3rd Section*, according to the plat thereof, as recorded in Plat Book 39, Page 31, of the Public Records of Broward County, Florida, being more particularly described as follows:

*Commencing* at the Southwest corner of said Lot 6, said point also being a point on the East right-of-way line of NE 18th Avenue;

Thence, North 01°03'53" West, along said East right-of-way line, a distance of 65.00 feet to the *Point of Beginning*;

Thence, North 88°56'07" East, a distance of 48.12 feet to the point of curvature of a circular curve, concave to the South, having a radius of 65.00 feet and a central angle of 22°25'25";

Thence, Southeasterly along the arc of said curve, an arc distance of 25.44 feet to a point of tangency;

Thence, South 68°38'28" East, a distance of 15.86 feet to the point of curvature of a circular curve, concave to the North, having a radius of 85.00 feet and a central angle of 12°26'56";

Thence, Southeasterly along the arc of said curve, an arc distance of 18.47 feet to a point on the rear line of said Lot 6;

Thence, North 01°01'44 West, along said rear line, a distance of 20.41 feet to a point on the arc of a circular curve, concave to the Northeast, having a radius of 66.55 feet and a central angle of 09°07'25". A radial line bears from said point North 12°06'09 East;

Thence, Northwesterly along the arc of said curve, an arc distance of 10.60 feet to a point of tangency;

Thence, North 68°38'28" West, a distance of 15.86 feet to the point of curvature of a circular curve, concave to the South, having a radius of 85.00 feet and a central angle of 22°25'25";

Thence, Westerly along the arc of said curve, an arc distance of 33.27 feet to a point of tangency;

Thence, South 88°56'07" West, along a line 10.00 feet North of, and parallel with, the North line of Lot 6, a distance of 48.12 feet to a point on the East right-of-way line of NE 18th Avenue;

Thence, South 01°03'53" East, along said East line, a distance of 20.00 feet to the *Point of Beginning*.

Said lands lying and being in the City of Pompano Beach, Broward County, Florida, and containing 2158 square feet (0.050 acres) more or less.