

Meeting Date: July 12, 2016

Agenda Item 15

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, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DECLARATION OF UNITY OF TITLE; 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 C, executing a Declaration of Unity of Title.

- (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 a signature.

X City Manager [Signature]

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



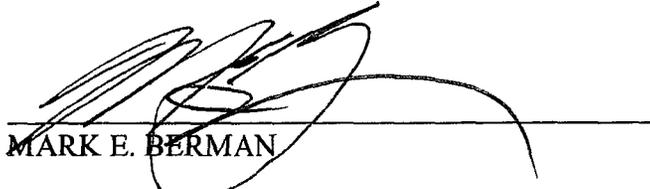
City Attorney's Communication #2016-939
June 21, 2016

TO: Jae Eun Kim, Planner
FROM: Mark E. Berman, City Attorney
RE: Resolution – Declaration of Unity of Title

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 DECLARATION OF UNITY OF TITLE;
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/2016-939

Attachment

RESOLUTION NO. 2016- _____

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DECLARATION OF UNITY OF TITLE; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That the Declaration of Unity of Title, a copy of which is attached hereto and incorporated herein by reference as if set forth in full, is hereby approved.

SECTION 2. That the proper city officials are hereby authorized to execute said Declaration of Unity of Title.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2016.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
6/21/16
l:reso/2016-245

PREPARED BY AND RETURN TO:

Mark E. Berman, City Attorney
City of Pompano Beach
P. O. Box 2083
Pompano Beach, Florida 33061

DECLARATION OF UNITY OF TITLE

KNOW ALL MEN BY THESE PRESENTS, that pursuant to the applicable ordinances of the City of Pompano Beach, Florida, pertaining to the issuance of building permits and regulating building construction, the undersigned, CITY OF POMPANO BEACH, a municipal corporation whose address is 100 West Atlantic Boulevard, Pompano Beach, Florida, being the fee owner of the real property lying, being and situate in the City of Pompano Beach, County of Broward and State of Florida, described in Exhibit "A" attached hereto and made a part hereof, does hereby make the following declarations of conditions, limitations and restrictions on said lands, hereinafter referred to as DECLARATION OF UNITY OF TITLE:

1. The aforesaid parcels of real property described in Exhibits "A" and "B" be and the same are hereby established and declared to be unified under one title as an indivisible building site.

2. That the said lands shall henceforth be considered as one plat or parcel of land, and that no portion thereof shall be sold, assigned, transferred, conveyed or devised separately except in its entirety as one plot or parcel of land, except as provided herein.

3. This Declaration of Unity of Title shall constitute a covenant running with the land, as provided by law, and shall be binding upon the undersigned, its successors and assigns, and all parties claiming thereunder and no portion shall be sold, assigned, transferred, conveyed or devised separately except in its entirety as one plot or parcel until such time as the same may be released in writing by Resolution of the City Commission of the City of Pompano Beach.

4. The undersigned does further agree that this instrument shall be filed for record among the Public Records of Broward County, Florida.

IN WITNESS WHEREOF, the undersigned has caused this Declaration of Unity of Title to be executed in appropriate manner and its seal to be affixed this _____ day of _____, 2016.

Witnesses:

CITY OF POMPANO BEACH

Print Name: _____

By: _____
LAMAR FISHER, MAYOR

Print Name: _____

By: _____
DENNIS W. BEACH, CITY MANAGER

Attest:

ASCELETA HAMMOND, CITY CLERK

(SEAL)

Approved by:

MARK E. BERMAN, CITY ATTORNEY

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.

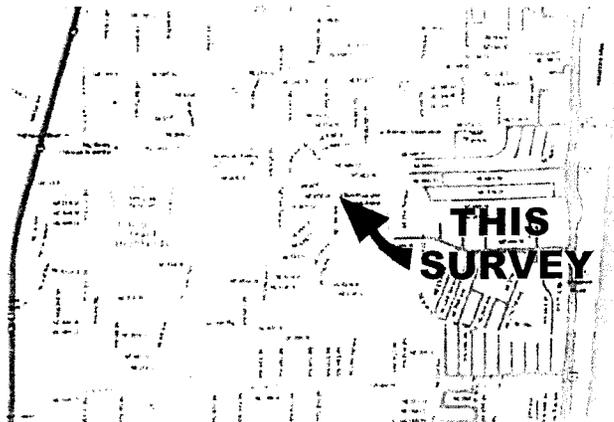
NOTARY'S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

MEB/jrm
6/21/16
L:agr/devsrv-2016-938

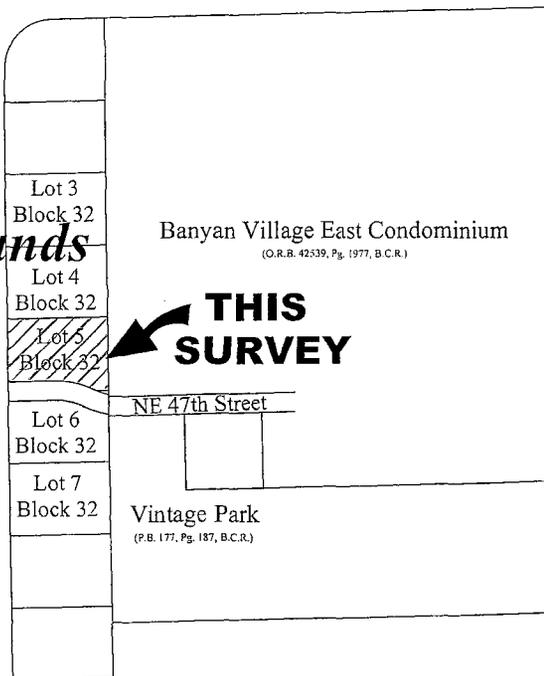
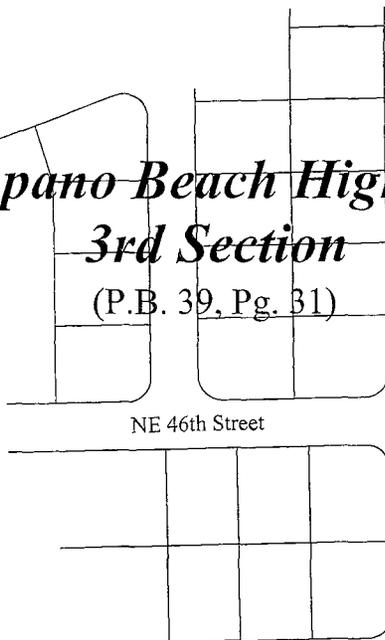


LOCATION SKETCH NTS

EXHIBIT A(1)



Pompano Beach Highlands
3rd Section
(P.B. 39, Pg. 31)



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

03/29/2016
DENNIS J. GABRIELE
Professional Surveyor and Mapper
NO. LS 5709
State of Florida



Munson Design & Consulting

LB# 7958

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

Sheet 2 of 3

P.O.B.

Northwest Corner Lot 5
Pompano Beach Highlands
3rd Section
(P.B. 39, Pg. 31)

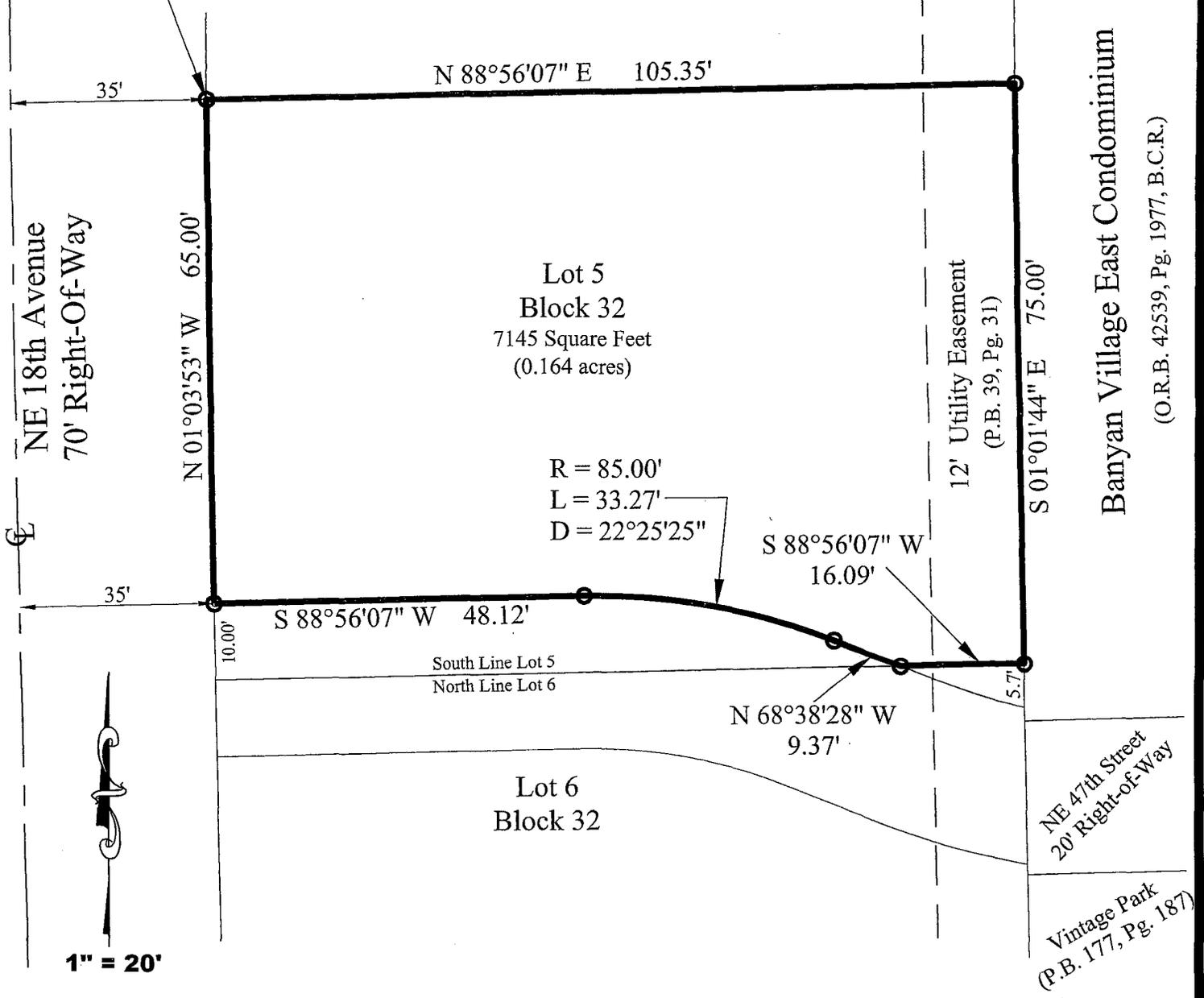
EXHIBIT A(2)

Lot 4
Block 32

Lot 5
Block 32
7145 Square Feet
(0.164 acres)

Lot 6
Block 32

Banyan Village East Condominium
(O.R.B. 42539, Pg. 1977, B.C.R.)



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 Lot 5, 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:

Beginning at the Northwest corner of said Lot 5;

Thence, North 88°56'07" East, along the North line of Lot 5, a distance of 105.35 feet;

Thence, South 01°01'44" East, along the rear line of Lot 5, a distance of 75.00 feet to the Southeast corner of Lot 5;

Thence, South 88°56'07" West, along the South line of Lot 5, a distance of 16.09 feet;

Thence, North 68°38'28" West, a distance of 9.37 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, North 01°03'53" West, along said East line, a distance of 65.00 feet to the **Point of**

Beginning.

Said lands lying and being in the City of Pompano Beach, Broward County, Florida, and containing 7145 square feet (0.164 acres) more or less.



Munson Design & Consulting

LB# 7958

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

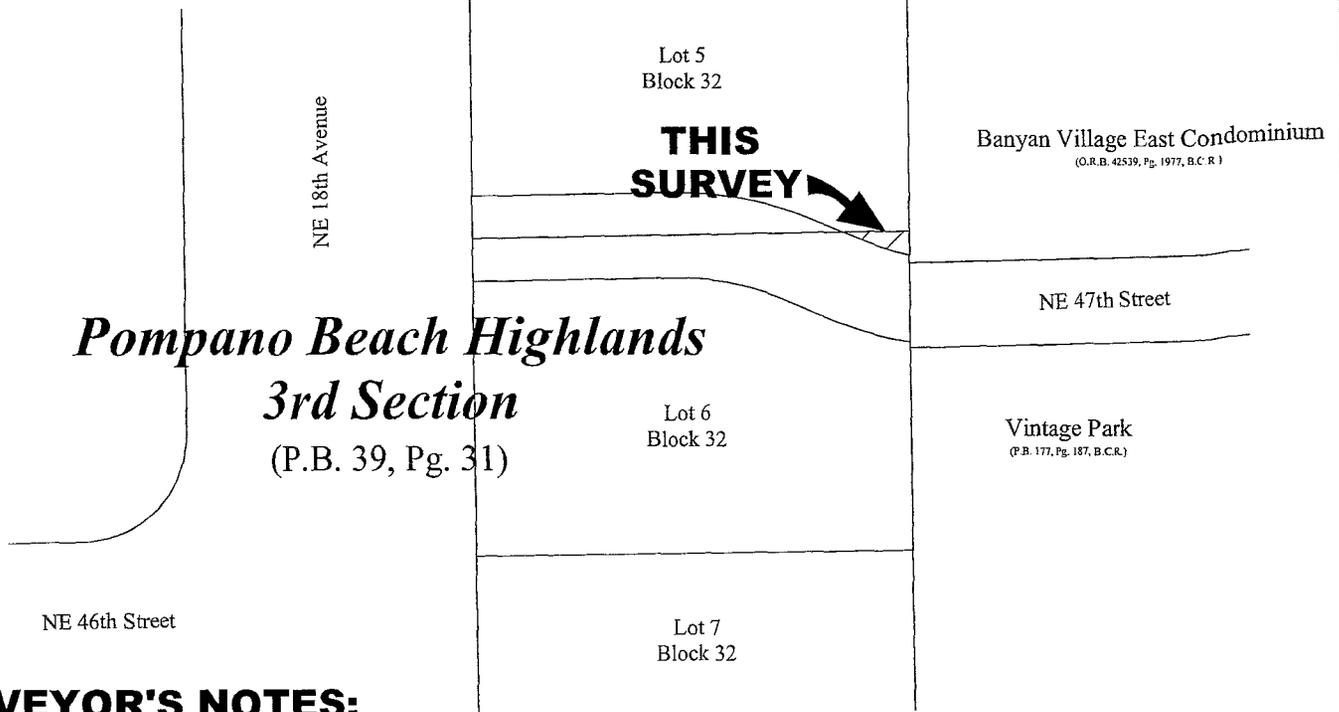
Sheet 1 of 3

EXHIBIT B(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

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

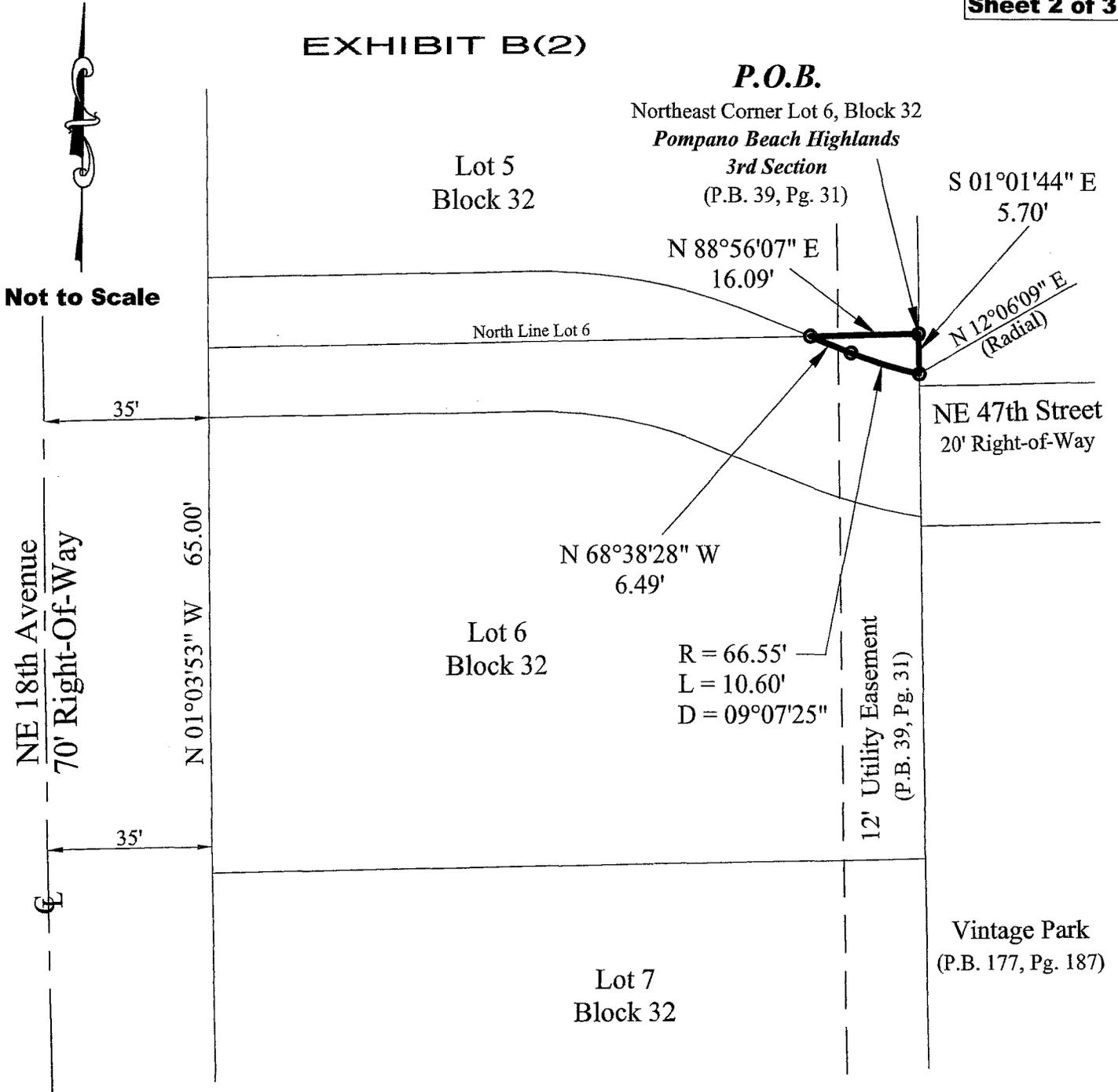
JOB NO. 15-1124 DRAWN BY: MRK QC: DJG SCALE: N.T.S.



EXHIBIT B(2)

P.O.B.

Northeast Corner Lot 6, Block 32
Pompano Beach Highlands
3rd Section
(P.B. 39, Pg. 31)



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 B(3)

LEGAL DESCRIPTION

A portion of Lot 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:

Beginning at the Northeast corner of said Lot 6;
Thence, South $01^{\circ}01'44''$ East, along East line of Lot 6, a distance of 5.70 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 $09^{\circ}07'25''$. A radial line bears from said point North $12^{\circ}06'09''$ East;
Thence, Northwesterly along the arc of said curve, an arc distance of 10.60 feet to a point of tangency;
Thence, North $68^{\circ}38'28''$ West, a distance of 6.49 feet to a point on the North line of Lot 6;
Thence, North $88^{\circ}56'07''$ East, along the North line of Lot 6, a distance of 16.09 feet to the *Point of Beginning*.

Said lands lying and being in the City of Pompano Beach, Broward County, Florida, and containing 50.19 square feet, more or less.