

POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY

Meeting Date: July 21, 2015

Agenda Item 3

REQUESTED CRA BOARD ACTION:

Resolution Consideration Approval Other

SHORT TITLE A RESOLUTION OF THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY, GRANTING A UTILITY EASEMENT TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

OR MOTION: _____

Summary of Purpose and Why:

Staff is seeking CRA Board approval to grant a 15' Utility Easement to the City of Pompano Beach. The CRA installed a brand new 8" sanitary sewer within CRA-owned land (see Exhibit "A") and this easement is necessary such that the City's Utilities Department can operate and maintain the sewer. Staff recommends approval.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Pompano Beach CRA
- (2) Primary staff contact: Horacio Danovich, CIP/CRA Engineer Ext. 7834
- (3) Expiration of contract, if applicable: _____
- (4) Fiscal impact and source of funding: No cost.

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	AUTHORIZED SIGNATURE OR ATTACHED MEMO NUMBER
City Attorney's Off.	07/09/2015	Approval	2015-1243

- CRA Executive Director
- Director Finance Department



ACTION PREVIOUSLY TAKEN BY CRA BOARD: None

<u>Resolution</u> Results:	<u>Consideration</u> Results:	<u>Other:</u> Results:
_____	_____	_____
_____	_____	_____



MEMORANDUM

July 10, 2015

TO: CRA Board

THRU: Kim Briesemeister, Co-Executive Director
Chris Brown, Co-Executive Director
Dennis Beach, City Manager

FROM: Horacio Danovich, CIP Engineer

A handwritten signature in blue ink is written over the "THRU" and "FROM" lines of the memorandum.

Issue

Staff is seeking CRA Board approval to a grant of a perpetual 15' Utility Easement.

Recommendation

Staff recommends Approval.

Background

Staff is seeking CRA Board approval to grant an easement to the City of Pompano Beach. In support of the anticipated construction of a new Downtown Plaza, the CRA constructed a new 8" sanitary sewer within CRA-owned land (see Exhibit "A"). The sewer is intended to service the plaza as well as a brand new restaurant and other future facilities. This easement is necessary such that the City's Utilities Department can operate and maintain the sewer.

Staff recommends approval of this resolution.



City Attorney's Communication #2015-1243
July 9, 2015

TO: Horacio Danovich, CIP Engineer
FROM: Gordon B. Linn, City Attorney
RE: Resolutions – Utility Easement

Pursuant to your e-mail dated July 8, 2015, attached please find the following captioned resolutions:

A RESOLUTION OF THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY, GRANTING A UTILITY EASEMENT TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING A GRANT OF A PERPETUAL UTILITY EASEMENT; PROVIDING AN EFFECTIVE DATE.

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

GORDON B. LINN

/jrm
l:cor/engr/2015-1243

Attachments

RESOLUTION NO. _____

POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY

A RESOLUTION OF THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY, GRANTING A UTILITY EASEMENT TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Pompano Beach Community Redevelopment Agency is the owner of real property and has agreed to grant an easement to the City of Pompano Beach for a perpetual public utility easement; and

WHEREAS, the CRA Board has determined that the best interests of the public will be served by the grant of easement; now, therefore,

BE IT RESOLVED BY THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY:

SECTION 1. That the Pompano Beach Community Redevelopment Agency grants an easement to the City of Pompano Beach for the property described in said Easement Agreement, a copy of which is attached hereto and made a part hereof as if set forth in full.

SECTION 2. That it is the determination of the Pompano Beach Community Redevelopment Agency that the granting of the aforesaid property rights is for a public purpose.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2015.

LAMAR FISHER, CHAIRPERSON

ATTEST:

MARGARET GALLAGHER, SECRETARY

Prepared by and return to:
Gordon B. Linn, City Attorney
City of Pompano Beach
100 West Atlantic Boulevard
Pompano Beach, Florida 33060

UTILITY EASEMENT

THIS UTILITY EASEMENT (this "Easement) is made and executed this _____ day of _____, 2015, by the POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY, a public body corporate and politic, of 100 West Atlantic Blvd., Pompano Beach, Florida 33060, (the "Grantor"), to the CITY OF POMPANO BEACH, a municipal corporation of the State of Florida, having an address of 100 W. Atlantic Blvd., Pompano Beach, Florida 33060 (the "Grantee"):

(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs legal representatives and assigns of individuals, and the successors and assigns of corporations, partnerships (including joint ventures), public bodies and quasi-public bodies.)

WITNESSETH:

WHEREAS, Grantor is lawfully seized in fee simple and is in possession of certain property situated in Broward County, Florida, (hereinafter referred to as "Property"); and

WHEREAS, Grantor desires to grant a non-exclusive utility easement in, on, over, under, through, and across the Property more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Easement Area").

NOW, THEREFORE, in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby states as follows:

1. Grantor does hereby grant unto the Grantee, a perpetual non-exclusive utility easement in, on, over, under, through, and across the Easement Area, with the full and free right of ingress and egress.

2. Grantee shall have the right and privilege from time to time to construct, reconstruct, improve, add to, enlarge, change pressure, as well as the size of, and to remove such facilities or any of them, together with the right to permit any other person, firm or corporation to any facilities hereunder and the right of ingress and egress to said premises at all times.

3. Grantee shall have the right to keep the easement area cleared of obstructions.

4. Grantor shall not erect or place any building or tree on the easement area.

5. The Easement granted shall be binding upon the Grantor and its successors and assigns. This Easement shall not be released or amended in any manner without the written consent of Grantee, except as otherwise provided herein.

6. All provisions of this Easement, including the benefits and burdens, run with the land and are binding upon and inure to the heirs, assigns, successors, tenants, and personal representatives of the parties hereto.

IN WITNESS WHEREOF, the Grantor has caused this Easement to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers or representatives hereunto duly authorized, as of the day and year first above written.

Signed, Sealed and Witnessed
In the Presence of:

**POMPANO BEACH COMMUNITY
REDEVELOPMENT AGENCY**

By: _____

Print Name: _____

Lamar Fisher, Chairman

ATTEST:

Print Name: _____

Margaret Gallagher, Secretary

EXECUTIVE DIRECTOR:

Redevelopment Management Associates, LLC
a Florida limited liability company

Print Name: _____

By: MetroStrategies, Inc., a Florida corporation
a managing member

By: _____
Kim Briesemeister, President

Print Name: _____

and
By: _____
Christopher J. Brown
a managing member

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, 2015 by LAMAR FISHER as Chairman of the Pompano Beach Community Redevelopment Agency, who is personally known to me.

NOTARY'S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, 2015 by MARGARET GALLAGHER, Secretary of the Pompano Beach Community Redevelopment Agency, who is personally known to me.

NOTARY'S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Kim Briesemeister, President of MetroStrategies, Inc., as Managing Member of Redevelopment Management Associates, LLC on behalf of the limited liability company. She is personally known to me or who has produced _____ (type of identification) as identification.

NOTARY'S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Christopher J. Brown, as Managing Member of Redevelopment Management Associates, LLC, on behalf of the limited liability company. He is personally known to me or who has produced _____ (type of identification) as identification.

NOTARY'S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

GBL/jrm
7/9/15
L:agr/cra/2015-818

Location Map



Google earth

feet
meters

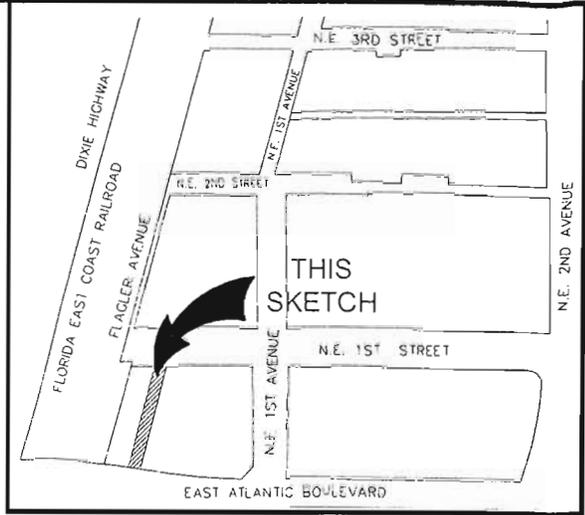


LEGAL DESCRIPTION:

PORTIONS OF LOTS 11, 12 AND 13, RE-SUBDIVISION OF LOT 15, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK B, PAGE 76 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID PORTIONS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF N.E. 1st STREET AND THE EASTERLY RIGHT-OF-WAY OF THE FLORIDA EAST COAST RAILWAY; THENCE NORTH 89°08'41" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, 33.37 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY, NORTH 89°08'41" EAST, 15.53 FEET; THENCE, DEPARTING SAID SOUTH RIGHT-OF-WAY, SOUTH 14°11'06" WEST, 220.01 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT (THROUGH WHICH A RADIAL LINE BEARS SOUTH 07°04'22" WEST TO THE RADIUS POINT) ON THE NORTH RIGHT-OF-WAY OF ATLANTIC BOULEVARD (STATE ROAD 814); THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID NORTH RIGHT-OF-WAY HAVING A RADIUS 1,482.69 FEET, A CENTRAL ANGLE OF 00°58'45" AND AN ARC DISTANCE OF 15.13 FEET; THENCE, DEPARTING SAID NORTH RIGHT-OF-WAY, NORTH 14°11'06" EAST, 217.92 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY FLORIDA, AND CONTAINING 3,284 SQUARE FEET MORE OR LESS.



LOCATION MAP:
NOT TO SCALE

SURVEY NOTES:

1. THE LEGAL DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
2. KEITH AND ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION NUMBER IS L.B.#6860.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. IT IS A VIOLATION OF THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE TO ALTER THIS SKETCH AND DESCRIPTION WITHOUT THE EXPRESSED PRIOR WRITTEN CONSENT OF THE SURVEYOR. ADDITIONS AND DELETIONS MADE TO THE FACE OF THIS SKETCH AND DESCRIPTION WILL MAKE THIS DOCUMENT INVALID.
5. THIS SKETCH AND DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY.
6. BEARINGS SHOWN HEREON ARE ASSUMED AND ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY WITH A REFERENCE BEARING OF SOUTH 13°47'47" WEST.
7. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
8. THE INTENDED DISPLAY SCALE FOR THIS SURVEY IS 1"= 50' OR SMALLER.

CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH & DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS DEPICTED TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THE INFORMATION AS WRITTEN UNDER MY DIRECTION ON JULY 7, 2015 MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

KEITH & ASSOCIATES, INC.
CONSULTING ENGINEERS

MICHAEL M. MOSSEY
PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION No. 5660
STATE OF FLORIDA

**SKETCH & DESCRIPTION
SEWER EASEMENT**

PORTIONS OF LOTS 11, 12 &
13, RE-SUBDIVISION OF LOT 15
P.B. B, PG. 76, D.C.R.

CITY OF POMPANO BEACH
BROWARD COUNTY FLORIDA

KEITH & ASSOCIATES, INC.
consulting engineers
301 EAST ATLANTIC BOULEVARD
POMPANO BEACH, FLORIDA 33060-6643
(954) 788-3400 FAX (954) 788-3500
EMAIL: mail@keith-associates.com LB NO. 6860

SHEET 1 OF 2

DRAWING NO. 07470.72-SEWER EASEMENT

DATE 07/07/15

SCALE 1"=50'

FIELD BK. N/A

DWNG. BY M.M.M.

CHK. BY M.M.M.

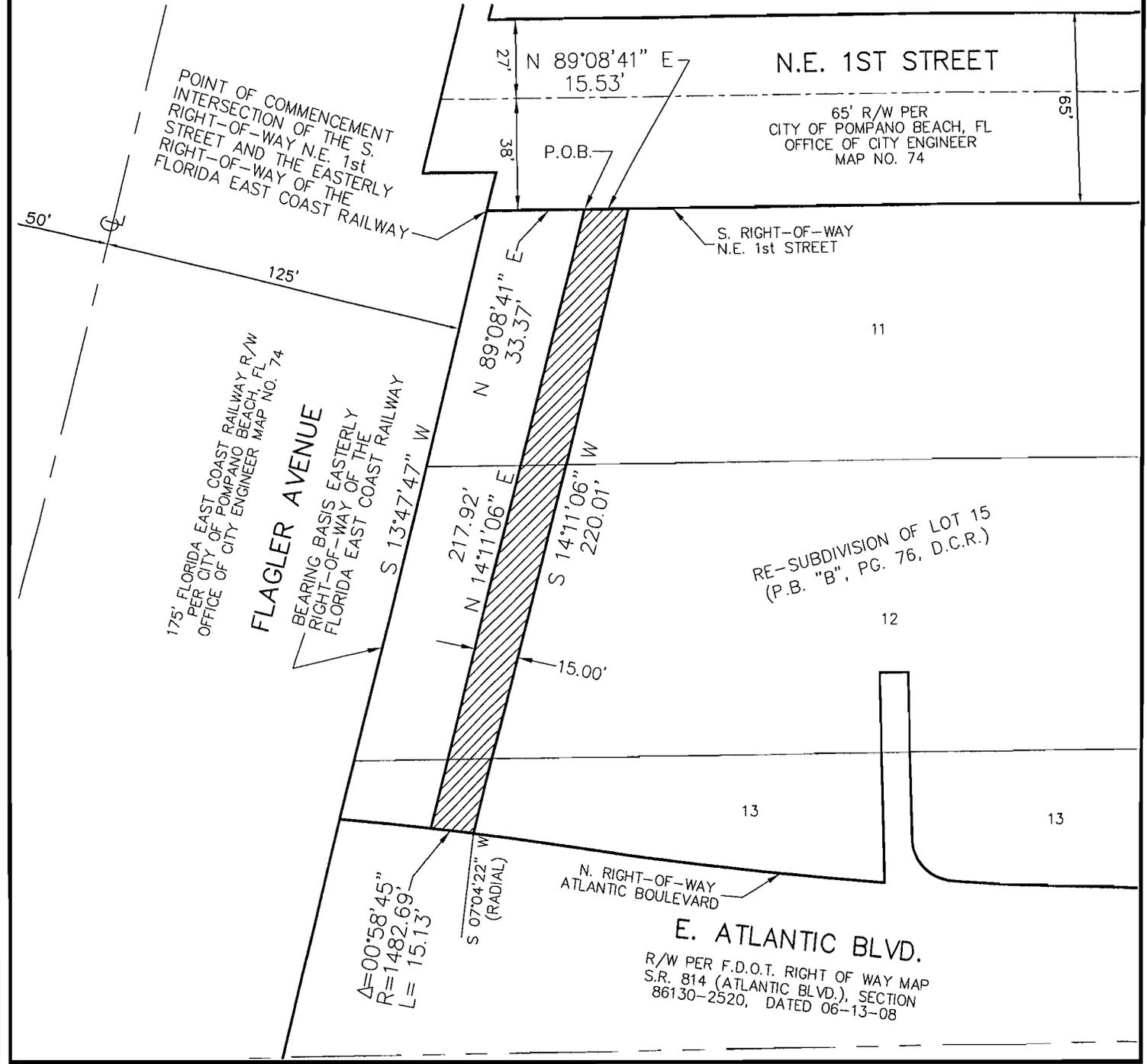
DATE	REVISIONS



SCALE: 1" = 50'

LEGEND:

- Δ CENTRAL ANGLE
- R RADIUS
- L ARC LENGTH
- D.C.R. DADE COUNTY RECORDS
- F.D.O.T. FLORIDA DEPARTMENT OF TRANSPORTATION
- L.B. LICENSED BUSINESS
- P.O.B. POINT OF BEGINNING
- R/W RIGHT-OF-WAY



**SKETCH & DESCRIPTION
SEWER EASEMENT**

PORTIONS OF LOTS 11, 12 &
13, RE-SUBDIVISION OF LOT 15
P.B. B, PG. 76, D.C.R.

CITY OF POMPANO BEACH
BROWARD COUNTY FLORIDA

**KEITH
ASSOCIATES, INC.**

consulting engineers
301 EAST ATLANTIC BOULEVARD
POMPANO BEACH, FLORIDA 33060-6643
(954) 788-3400 FAX (954) 788-3500
EMAIL: mail@keith-associates.com LB NO. 6860

SHEET 2 OF 2

DRAWING NO. 07470.72-SEWER EASEMENT

DATE 07/07/15

SCALE 1"=50'

FIELD BK. N/A

DWNG. BY M.M.M.

CHK. BY M.M.M.

DATE	REVISIONS