

RESOLUTION NO. 2017-

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A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ACCEPTING AN EASEMENT IN, OVER, UNDER, THROUGH, UPON, AND ACROSS A PORTION OF REAL PROPERTY OWNED BY PUBLIC STORAGE, A MARYLAND REAL ESTATE INVESTMENT TRUST, AND LOCATED IN POMPANO BEACH, FLORIDA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Public Storage, a Maryland real estate investment trust, as successor in interest to Partners Preferred Yield II, Inc., a California corporation ("Property Owner"), owns title to certain real property identified as folio number 4842-22-18-0010 ("Property"), as more particularly described in the legal description within the Utility Easement, attached hereto and made a part hereof as Attachment 1 ("Utility Easement"); and

WHEREAS, pursuant to Section 25.101 of the Administrative Code of Broward County, Florida ("Administrative Code"), the Property Owner filed a petition with Broward County ("County") to vacate a right of way that measures 6,892 square feet, is dedicated by plat, and is adjacent to the Property ("Petition"); and

WHEREAS, the Real Property Section of the County accepted the Petition on May 30, 2017, and submitted the Petition to the County's agencies for review and approval in accordance with Section 25.101 of the Administrative Code; and

WHEREAS, Broward County Water and Wastewater Services ("Agency") reviewed the Petition and requested that the Property Owner grant to the County an unrestricted, perpetual, and nonexclusive twenty-foot easement in, over, under, through, upon, and across a portion of the Property ("Easement"); and

1           WHEREAS, the Property Owner will grant the Easement to the County in  
2 accordance with the terms and conditions of the Utility Easement, which has been  
3 executed by the Property Owner and approved by the Agency; and

4           WHEREAS, the Board of County Commissioners of Broward County, Florida  
5 ("Board"), has determined that acceptance of the Utility Easement serves a public  
6 purpose and is in the best interest of the County, NOW, THEREFORE,

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8           BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
9 BROWARD COUNTY, FLORIDA:

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11           Section 1.    The recitals set forth in the preamble to this Resolution are true,  
12 accurate, and incorporated by reference herein as though set forth in full hereunder.

13           Section 2.    The Board hereby accepts the Utility Easement.

14           Section 3.    The Utility Easement shall be properly recorded in the Public  
15 Records of Broward County, Florida.

16           Section 4.    SEVERABILITY.

17           If any portion of this Resolution is determined by any Court to be invalid, the  
18 invalid portion shall be stricken, and such striking shall not affect the validity of the  
19 remainder of this Resolution. If any Court determines that this Resolution, or any  
20 portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies),  
21 property(ies), or circumstance(s), such determination shall not affect the applicability  
22 hereof to any other individual group, entity, property, or circumstance.

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Return to:  
Broward County Real Property Section  
115 South Andrews Avenue, Room 501  
Fort Lauderdale, FL 33301

Folio Number: 4842 22180010

**EASEMENT**

**THIS INDENTURE**, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Public Storage, a Maryland real estate investment trust, successor in interest by operation of merger to Partners Preferred Yield II, Inc., whose address is 701 Western Avenue, Glendale, California 91201 ("GRANTOR"), to Broward County, a political subdivision of the State of Florida, whose address is 115 South Andrews Avenue, Fort Lauderdale, Florida 33301 ("GRANTEE"):

(Wherever used herein the terms, "GRANTOR" and "GRANTEE" 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).

**W I T N E S S E T H**

**WHEREAS**, GRANTOR is the owner of the following described property situated, lying and being in Broward County, Florida:

**See Exhibit "A" with accompanying sketch of description attached hereto and made a part hereof ("Easement Area");** and

**WHEREAS**, GRANTEE desires an unrestricted and perpetual non-exclusive easement in, over, under, through, upon, and across the Easement Area to construct, maintain, repair, install, and rebuild thereon water mains, wastewater gravity mains, wastewater force mains, reclaimed water mains, and/or any other water or wastewater facilities (collectively, "Water and Wastewater Facilities") for purposes of providing water supply service for domestic or other uses and collecting domestic or other kinds of wastewater to and from GRANTOR'S Property and other properties which may or may not abut and be contiguous to the Easement Area ("Easement"); and

**WHEREAS**, GRANTOR is willing to grant such Easement to GRANTEE.

**NOW THEREFORE**, for and in consideration of the mutual terms and conditions contained herein, and the sum of one dollar (\$1.00), and other good and valuable consideration, the sufficiency of which are hereby acknowledged, GRANTOR does hereby grant the Easement to GRANTEE, to be exercised by and through GRANTEE'S employees, agents, contractors, or other designated persons.

GRANTEE has approved the existing and proposed above ground structures, asphalt, paving, landscaping, walls, fences, underground piping, underground structures, duct banks, transformers, poles, retention areas, pavers, electric, cable, and other utility facilities within the Easement Area to the extent said improvements are shown on the plans and drawings presented to and approved by GRANTEE. Except as permitted above, GRANTOR agrees that no obstructions that would preclude maintenance or improvement of GRANTEE'S Water and Wastewater Facilities may be placed in the Easement Area by GRANTOR or any other easement holder without GRANTEE'S consent. In the exercise of its rights hereunder, GRANTEE shall, at its sole cost and expense, restore the surface of the Easement Area to a reasonably similar condition as it was in prior to the exercise of such rights.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on Sept 20, 2017, 2017.

Signed, sealed and delivered  
in the presence of:  
[Signature]  
(Witness' Signature)

Print Name To Blair Swaney  
(Witness)

[Signature]  
(Witness' Signature)

Print Name Tracy Girard  
(Witness)

**GRANTOR**  
By: [Signature]  
Print Name: Timothy Stanley  
Print Address: 701 Western Ave  
Citrusdale, CA 91201

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Address: \_\_\_\_\_

Approved as to form by the Office of the  
Broward County Attorney  
By: [Signature]  
Annika Ashton  
Assistant County Attorney

**ACKNOWLEDGEMENT**

STATE OF: Georgia }  
~~FLORIDA~~ }  
COUNTY OF: Gwinnett }  
~~BROWARD~~ }

The foregoing instrument was acknowledged before me this day of September 20, 2017,  
by Tim Stanley, and Blair Swaney, Tracy Girard who is (are) personally  
known to me or has (have) produced \_\_\_\_\_ as  
identification, and who did (did not) take an oath.

[Signature]  
Notary Public, Signature

(Notary Seal)

**ANITA PEGRAM**  
**NOTARY PUBLIC**  
**GWINNETT COUNTY, GEORGIA**  
**MY COMM. EXPIRES 04/26/2021**

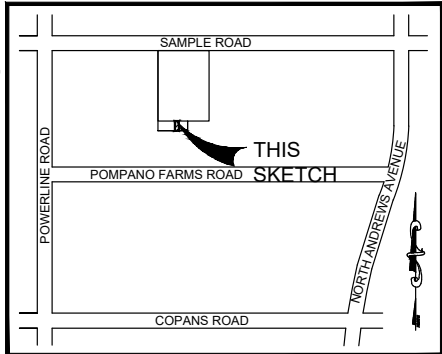
**LAND DESCRIPTION:**

A 20 FOOT WIDE EASEMENT LYING OVER, UNDER AND ACROSS A PORTION OF THE DEDICATED RIGHT OF WAY AS SHOWN ON F.F. MINIONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 103, ON PAGE 11 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND VACATED BY INSTRUMENT NUMBER \_\_\_\_\_, THE CENTERLINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT "A" OF SAID F.F. MINIONE PLAT; THENCE NORTH 88°10'14" EAST ON THE SOUTH LINE OF SAID TRACT A, 186.00 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF A 20 FOOT WIDE EASEMENT LYING 10 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; THENCE, DEPARTING SAID SOUTH LINE, SOUTH 01°21'14" EAST, 30.00 FEET TO THE POINT OF TERMINUS OF SAID CENTERLINE.

EASEMENT LINES TO BE LENGTHENED OR SHORTENED TO MAINTAIN A CONTINUOUS 20.00 FOOT WIDE EASEMENT.

SAID LANDS LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA CONTAINING 360 SQUARE FEET (0.008 ACRES) MORE OR LESS.



**LOCATION MAP:**  
NOT TO SCALE

**SURVEY NOTES:**

1. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
2. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. IT IS A VIOLATION OF RULE 5J-17 OF THE 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.
4. THIS SKETCH AND DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY.
5. BEARINGS SHOWN HEREON ARE ASSUMED AND ARE BASED ON A REFERENCE BEARING OF NORTH 01°21'14" WEST ALONG THE WEST LINE OF TRACT A, F.F. MINIONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 103, ON PAGE 11 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
6. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
7. THE INTENDED DISPLAY SCALE FOR THIS SKETCH IS 1"= 100' OR SMALLER.

**CERTIFICATION:**

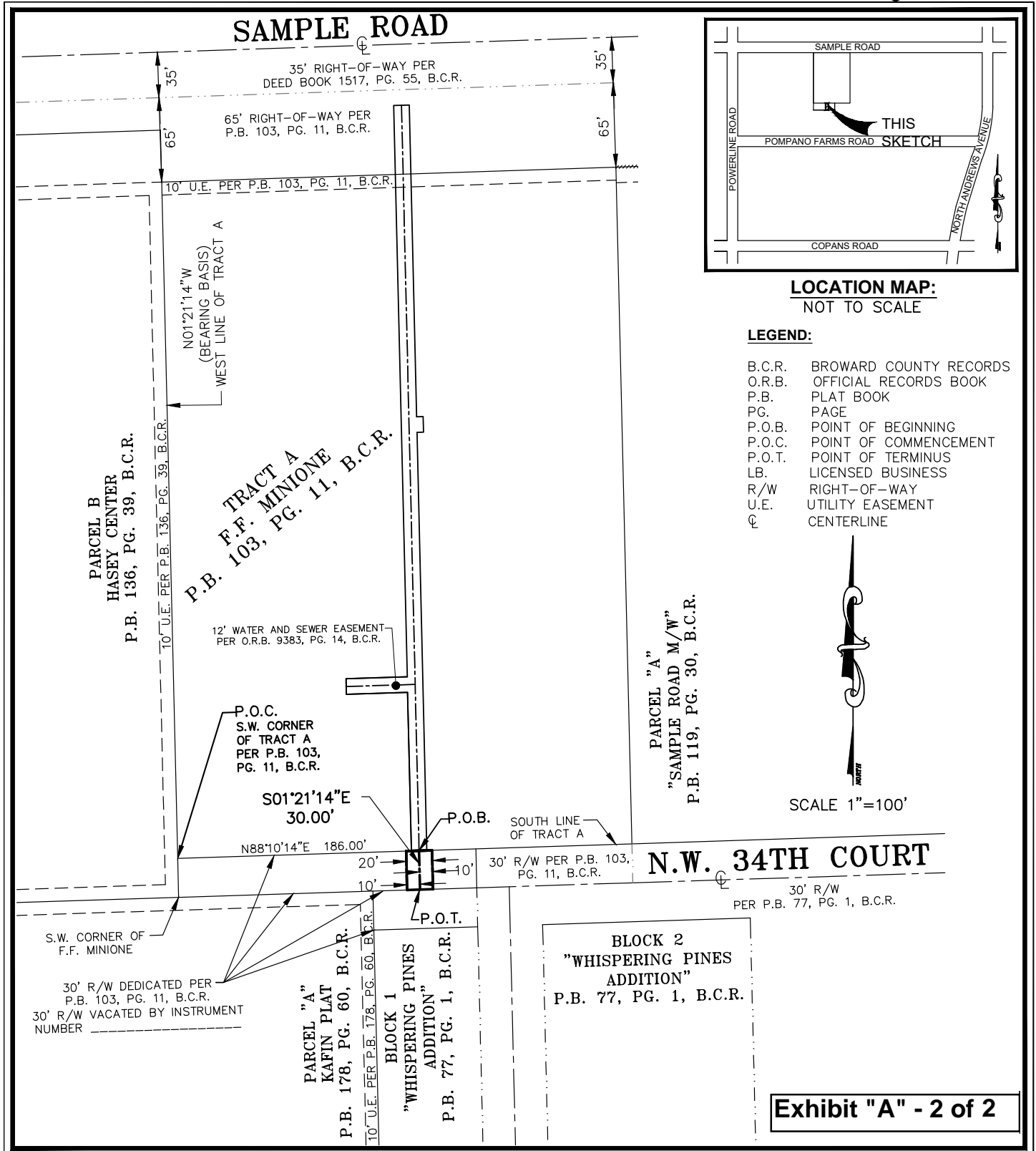
I HEREBY CERTIFY THAT THE ATTACHED SKETCH & DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS DEPICTED TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THE INFORMATION AS WRITTEN UNDER MY DIRECTION ON JUNE 27, 2017 MEETS THE STANDARDS OF PRACTICE RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

KEITH & ASSOCIATES, INC.  
CONSULTING ENGINEERS

LEE POWERS  
PROFESSIONAL SURVEYOR AND MAPPER  
REGISTRATION No. 6805  
STATE OF FLORIDA

**Exhibit "A" - 1 of 2**

<p><b>SKETCH &amp; DESCRIPTION</b> 20' UTILITY EASEMENT</p> <p>A PORTION OF RIGHT OF WAY DEDICATED ON F.F. MINIONE, P.B. 103, PG. 11, B.C.R.</p> <p>POMPANO BEACH    BROWARD COUNTY    FLORIDA</p>	<p><b>KEITH</b> ASSOCIATES, INC. consulting engineers</p> <p>301 EAST ATLANTIC BOULEVARD POMPANO BEACH, FLORIDA 33060-6643 (954) 788-3400 FAX (954) 788-3500 EMAIL: mail@keith-associates.com LB NO. 6860</p> <p>SHEET 1 OF 2 DRAWING NO. 09654.00 VACATE 20' UE RW-SKD.dwg</p>	<p>DATE 6/27/17</p> <p>SCALE N/A</p> <p>FIELD BK. N/A</p> <p>DWNG. BY D.B.</p> <p>CHK. BY L.P.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">DATE</th> <th style="width: 85%;">REVISIONS</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>	DATE	REVISIONS										
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**Exhibit "A" - 2 of 2**

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		SCALE AS SHOWN		
		FIELD BK. N/A		
		DWNG. BY D.B.		
		CHK. BY L.P.		