

RESOLUTION NO. 2018-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, DECLARING THE ACQUISITION OF CERTAIN PROPERTY FOR THE COUNTYWIDE COMMUNICATIONS INFRASTRUCTURE FOR PUBLIC SAFETY SERVICES TO BE A PUBLIC PURPOSE AND NECESSITY; AUTHORIZING THE COUNTY ATTORNEY TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE PROPERTY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Broward County is responsible for establishing and maintaining a countywide public safety communications infrastructure for law enforcement, fire, and medical services emergencies (“public safety services”); and

WHEREAS, the countywide public safety communications infrastructure for public safety services is utilized by public safety service providers and facilitates closest unit response for life-threatening emergencies and support; and

WHEREAS, the safe, efficient, and broad coverage of the countywide public safety communications infrastructure is a matter of significant concern and great public importance to the people that reside and travel in Broward County; and

WHEREAS, the continuing growth and development of the northwestern part of Broward County have resulted in an increased number of emergency calls for public safety services that utilize the countywide public safety communications infrastructure; and

WHEREAS, emergency radio communications for public safety services in the Everglades are unreliable; and

1 WHEREAS, the real property described in Exhibit "A," attached hereto and made
2 a part hereof ("Property"), is needed by Broward County to build an emergency radio
3 communications tower to provide adequate radio signal coverage and other
4 communications coverage, including strong radio signal coverage inside and outside
5 residential and commercial buildings for public safety services in northwestern Broward
6 County and the Everglades; and

7 WHEREAS, the acquisition of the Property will allow for the provision of more
8 efficient and broader coverage of the countywide public safety communications
9 infrastructure than currently exists; and

10 WHEREAS, ownership of the Property by Broward County will enable reliable
11 access to and maintenance of an emergency radio communications tower for public
12 safety services and will significantly improve emergency communications for the benefit
13 of the people of Broward County; and

14 WHEREAS, Broward County is authorized under the Florida Constitution and
15 Chapters 73, 74, 125, and 127, Florida Statutes, to acquire property by eminent domain
16 proceedings, NOW, THEREFORE,

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18 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
19 BROWARD COUNTY, FLORIDA:

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21 Section 1. Recitals. The recitals contained in the foregoing "WHEREAS"
22 clauses are incorporated in this Resolution by this reference.

23 Section 2. Findings. The Board of County Commissioners of Broward County,
24 Florida (the "Board"), finds, determines, and declares the following:

1 (a) That the acquisition in fee simple of the Property (as described in
2 Exhibit "A") for the purpose of expanding the countywide public safety communications
3 infrastructure and building and maintaining an emergency radio communications tower
4 on the Property to provide more efficient and broader coverage of emergency
5 countywide communications for the benefit of the people of Broward County is
6 necessary, serves a public purpose, and is in the best interest of Broward County; and

7 (b) That the Office of the County Attorney or the County Attorney's designee
8 is hereby authorized and directed to take any appropriate action to acquire the Property
9 by negotiating the purchase of the Property at values established by appraisals,
10 together with reasonable attorney's fees, expert fees, business damages, and costs, as
11 applicable, or instituting a lawsuit or lawsuits in the name of Broward County and in the
12 exercise of Broward County's power of eminent domain for the purpose of acquiring the
13 Property, and is further authorized and directed to do all things necessary to prosecute
14 any such lawsuit or lawsuits to final judgment. In pursuit of such authorization and
15 direction, the Office of the County Attorney or the County Attorney's designee is
16 specifically authorized to sign and file a Declaration of Taking in order that Broward
17 County may avail itself of the provisions of Chapter 74, Florida Statutes. The Office of
18 the County Attorney or the County Attorney's designee is further authorized to
19 accomplish the acquisition of the Property by settlement and compromise in those
20 instances where the same can be effected in accordance with the terms, conditions,
21 and limitations established from time to time by the Broward County Board of County
22 Commissioners.

1 Section 3. SEVERABILITY.

2 If any portion of this Resolution is determined by any Court to be invalid, the
3 invalid portion shall be stricken, and such striking shall not affect the validity of the
4 remainder of this Resolution. If any Court determines that this Resolution, or any
5 portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies),
6 property(ies), or circumstance(s), such determination shall not affect the applicability
7 hereof to any other individual, group, entity, property, or circumstance.

8 Section 4. EFFECTIVE DATE.

9 This Resolution shall become effective upon adoption.

10
11 ADOPTED this ____ day of _____, 2018.

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14 Approved as to form and legal sufficiency:
15 Andrew J. Meyers, County Attorney

16
17 By /s/ Adam Katzman 01/24/18
18 Adam Katzman (date)
19 Assistant County Attorney

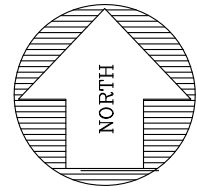
20
21
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23 AMK/mm
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24 Cell Tower 911 Reso
#44000/0001

EXHIBIT "A"

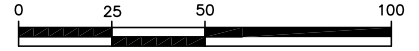
SKETCH AND DESCRIPTION

SURVEY PROJECT NO. 2018-029A

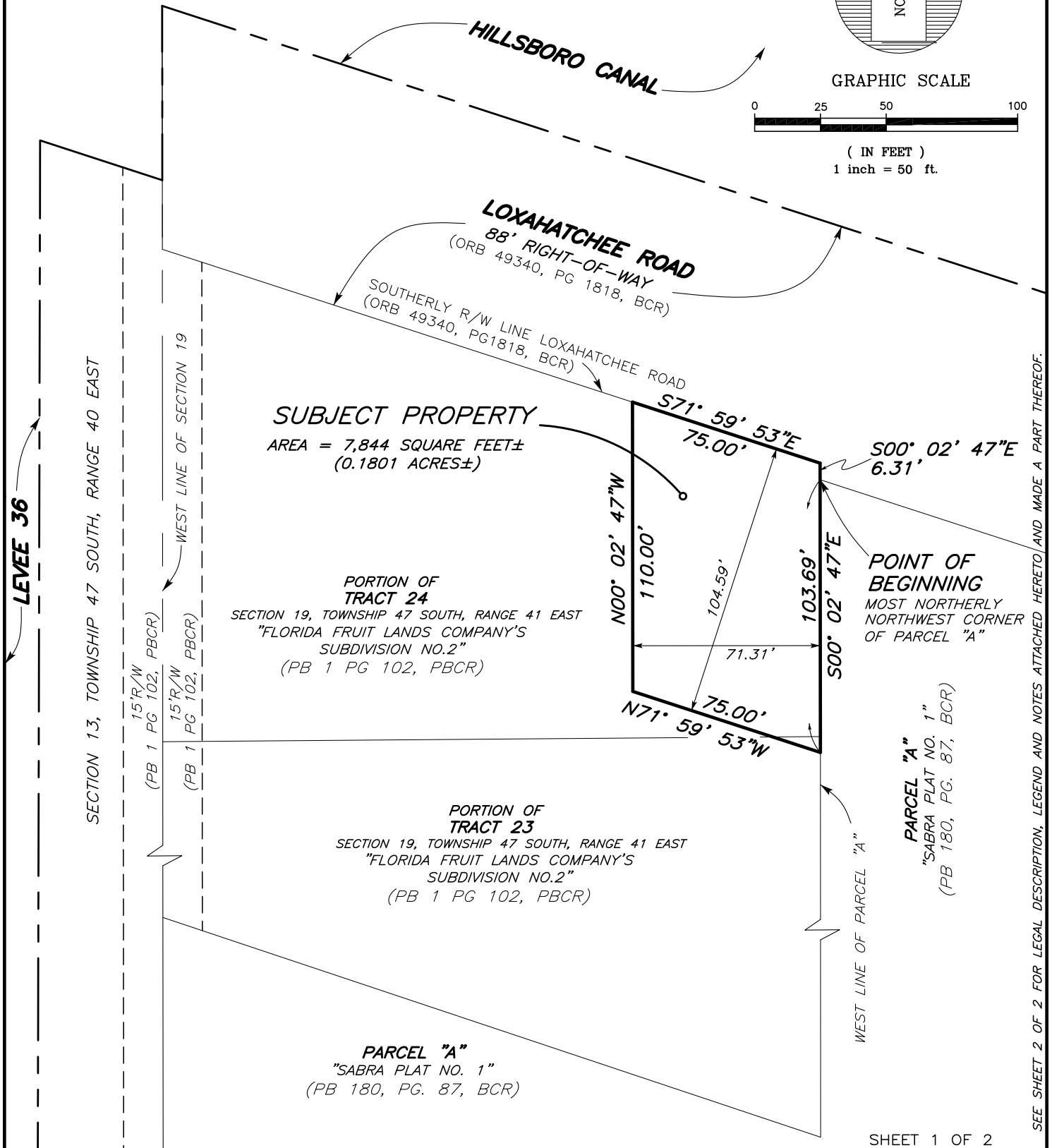
PORTION OF TRACTS 23 AND 24
SECTION 19, TOWNSHIP 47 SOUTH, RANGE 41 EAST
"FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.2"
(PB 1, PG 102, PBCR)



GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.



SUBJECT PROPERTY
AREA = 7,844 SQUARE FEET±
(0.1801 ACRES±)

PORTION OF
TRACT 24
SECTION 19, TOWNSHIP 47 SOUTH, RANGE 41 EAST
"FLORIDA FRUIT LANDS COMPANY'S
SUBDIVISION NO.2"
(PB 1 PG 102, PBCR)

PORTION OF
TRACT 23
SECTION 19, TOWNSHIP 47 SOUTH, RANGE 41 EAST
"FLORIDA FRUIT LANDS COMPANY'S
SUBDIVISION NO.2"
(PB 1 PG 102, PBCR)

PARCEL "A"
"SABRA PLAT NO. 1"
(PB 180, PG. 87, BCR)

POINT OF BEGINNING
MOST NORTHERLY
NORTHWEST CORNER
OF PARCEL "A"

PARCEL "A"
"SABRA PLAT NO. 1"
(PB 180, PG. 87, BCR)

SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION, LEGEND AND NOTES ATTACHED HERETO AND MADE A PART THEREOF.

SHEET 1 OF 2

BROWARD COUNTY HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION

1 UNIVERSITY DRIVE, SUITE B300 – PLANTATION, FLORIDA 33324-2038

Phone # (954) 577-4555

EXHIBIT "A"

SKETCH AND DESCRIPTION PORTION OF TRACTS 23 AND 24 SECTION 19, TOWNSHIP 47 SOUTH, RANGE 41 EAST "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.2" (PB 1, PG 102, PBCR)	SURVEY PROJECT NO. 2018-029A
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LEGEND:

- | | |
|------------------------------|---|
| NO. = NUMBER | PBCR = PALM BEACH COUNTY RECORDS |
| PB = PLAT BOOK | R/W = RIGHT-OF-WAY |
| ORB = OFFICIAL RECORDS BOOK | PSM = PROFESSIONAL SURVEYOR AND MAPPER |
| PG = PAGE | "BCED" = BROWARD COUNTY HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION |
| BCR = BROWARD COUNTY RECORDS | |

LEGAL DESCRIPTION:

A PORTION OF TRACTS 23 AND 24 OF SECTION 19, TOWNSHIP 47 SOUTH, RANGE 41 EAST OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.2", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1 AT PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY NORTHWEST CORNER OF PARCEL "A", OF THE PLAT OF "SABRA PLAT NO.1", AS RECORDED IN PLAT BOOK 180 AT PAGE 87 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE, ALONG THE WEST LINE OF SAID PARCEL "A", SOUTH 00° 02' 47" EAST FOR A DISTANCE OF 103.69 FEET; THENCE NORTH 71° 59' 53" WEST FOR A DISTANCE OF 75.00 FEET; THENCE NORTH 00° 02' 47" WEST FOR A DISTANCE OF 110.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LOXAHATCHEE ROAD AS PER OFFICIAL RECORDS BOOK 49340, PAGE 1818 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 71° 59' 53" EAST FOR A DISTANCE OF 75.00 FEET; THENCE SOUTH 00° 02' 47" EAST FOR A DISTANCE OF 6.31 FEET TO THE **POINT OF BEGINNING**.

SAID LANDS SITUATE, LYING, AND BEING IN BROWARD COUNTY, FLORIDA AND CONTAINING 7,844 SQUARE FEET (0.1801 ACRES), MORE OR LESS.

NOTES:

- 1) THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE REVIEWING SURVEYOR.
- 2) BEARINGS SHOWN HEREON ARE RELATIVE TO THE WEST LINE OF SECTION 19, TOWNSHIP 47 SOUTH, RANGE 41 EAST AS SHOWN ON THE PLAT OF "SABRA PLAT NO.1", PB 180, PG 87, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID LINE BEARS NORTH 00°02'47" WEST AS SHOWN THEREON.
- 3) SOURCES OF INFORMATION USED IN THE PREPARATION OF THIS DESCRIPTION ARE AS FOLLOWS:
 - A) THE PLAT OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.2", PB 1, PG 102, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
 - B) THE PLAT OF "SABRA PLAT NO.1", PB 180, PG 87, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
 - C) THE RIGHT-OF-WAY MAP FOR STATE ROAD 827, AS RECORDED IN MISCELLANEOUS MAP BOOK 6, PAGE 32 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
 - D) THE RIGHT-OF-WAY MAP FOR THE HILLSBORO CANAL, AS RECORDED IN RIGHT-OF-WAY MAP BOOK 14, PAGE 159 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
 - E) THE RIGHT-OF-WAY MAP FOR LEVEE L-36, AS PROVIDED BY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.
 - F) THE RIGHT-OF-WAY MAP FOR LEVEE L-40, AS PROVIDED BY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.
 - G) DEED RECORDED IN INSTRUMENT 112878040 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
 - H) DEED RECORDED IN OFFICIAL RECORDS BOOK 48052 AT PAGE 693, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
 - I) DEED RECORDED IN OFFICIAL RECORDS BOOK 49340 AT PAGE 1818, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.


SEE SHEET 1 OF 2 FOR SKETCH OF LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART THEREOF.

SHEET 2 OF 2

CERTIFICATE

THIS IS TO CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND DOES NOT REPRESENT A FIELD SURVEY. I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH UNDER (CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE) PURSUANT TO CHAPTER 472.027 FLORIDA STATUTES.

NOTE: NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER


1/18/2018

PROFESSIONAL SURVEYOR AND MAPPER # 5695, STATE OF FLORIDA
ERIC B. AUGUSTO
BROWARD COUNTY

DATE OF SKETCH 01-17-18	DRAWN BY EBA	CHECKED BY EBA	MANAGER EBA
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SKETCH NO. 2018-029.DWG

BROWARD COUNTY HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION

1 UNIVERSITY DRIVE, SUITE B300 – PLANTATION, FLORIDA 33324-2038

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