

04.3

**This Instrument Prepared By:**  
Fawn Powers, Assistant City Attorney  
City of Pompano Beach  
P. O. Box 2083  
Pompano Beach, Florida 33061

**QUIT CLAIM DEED**

Executed this 30<sup>th</sup> day of January, 2018, 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

**BROWARD COUNTY**, a political subdivision of the State of Florida, whose post office address is 115 South Andrews Avenue, Fort Lauderdale, Florida 33301, hereinafter referred to as "second party."

(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 situate, lying and being in the County of Broward, State of Florida, to-wit:

**SEE LEGAL DESCRIPTION ATTACHED HERETO AND  
MADE A PART HEREOF AS EXHIBIT "A"**

(h) Transfer to governmental agencies. The City of Pompano Beach may sell or transfer any of its property to any other governmental agency, if the City Commission finds that:

(1) A transfer of the property to the other governmental agency shall provide a benefit to the City of Pompano Beach; and

The County's Water and Wastewater Services plant provides freshwater to the City's residents and, as such, it is in the City's best interest to ensure that the safety of the subject facility.

(2) That a transfer to any other party other than that governmental agency would not provide the same benefit to the people of Pompano Beach; and  
The adjacent County's Water and Wastewater Services plant provides freshwater to the City's residents in that area, no one else is providing water service to the City's residents in that area, and the ROW being requested is too small to be utilized by any other party for any recognizable benefit

(3) That the compensation to be received by the City of Pompano Beach is fair and equitable; and  
This Charter Section provides the City discretion to sell or transfer the property. In this case, the City does not want to require the County to pay any money for this ROW since we are receiving in kind benefits pursuant to the County's provision of freshwater to our residents in this area plus the conveyance will relieve the City from having to maintain the property as well as legal responsibility for same.

(4) That the governmental agency to which the land is being transferred would in any event have the power of eminent domain over said property. The procedure of public notice shall apply.  
The County has the right to initiate eminent domain proceedings for this piece of ROW.

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:

## CITY OF POMPANO BEACH

Shelley R. Bartholomew  
Shelley R. Bartholomew  
(Print or Type Name)

GREGORY P. HARRISON  
GREGORY P. HARRISON, CITY MANAGER

Betty J. Manes  
Betty J. Manes  
(Print or Type Name)

LAMAR FISHER  
LAMAR FISHER, MAYOR

Attest:

  
Asceletha Hammond, City Clerk

(SEAL)

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instruments were acknowledged before me this 30<sup>th</sup> day of January, 2018 by LAMAR FISHER as Mayor, GREGORY P. HARRISON 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 are personally known to me.

NOTARY'S SEAL:





NOTARY PUBLIC, STATE OF FLORIDA

Jennette Forrester Williams

(Name of Acknowledger Typed, Printed or Stamped)

FF 993881

Commission Number

/jrm:jmz

1/5/17

l:realest/2017-249



**EXHIBIT "A"**

SHEET 1 OF 3

SECTION 12, TOWNSHIP 48 SOUTH, RANGE 42 EAST



LOCATION SKETCH  
BROWARD COUNTY, FLORIDA  
NOT TO SCALE

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION CONSISTING OF SHEETS ONE THROUGH THREE IS TRUE, CORRECT AND COMPLETED ON 05-12-17 AND IS DONE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND MEETS THE MINIMUM TECHNICAL STANDARDS 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.

*Frank J. Guiliano*

FRANK J. GUILIANO  
PROFESSIONAL SURVEYOR & MAPPER NO. 5768  
NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NOTE:

- 1) BEARINGS ARE BASED ON THE SOUTH LINE OF PARCEL "A" OF "WILLAH PLAT NO. 1" AS RECORDED IN PLAT BOOK 112, PAGE 41, BROWARD COUNTY RECORDS, LYING IN SECTION 12, TOWNSHIP 48 SOUTH, RANGE 42 EAST; HAVING A BEARING OF S 89°51'04" W.
- 2) UNDERGROUND UTILITIES AND IMPROVEMENTS WERE NOT LOCATED.
- 3) DIMENSIONS ARE CALCULATED UNLESS OTHERWISE NOTED.
- 4) REFERENCED INSTRUMENTS ARE RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, UNLESS INDICATED OTHERWISE.

**THIS IS NOT A SURVEY,**

but only a graphic depiction of the description shown hereon or attached hereto. There are no monuments set in connection with the preparation of the information shown hereon. Broward County makes no representation or guarantees as to the information shown hereon pertaining to easements, rights-of-ways, setback lines, reservations agreements, etc., nor is it the intent of this instrument to reflect all such matters. Such information should be obtained and confirmed by others through appropriate title verification.

LEGEND:

B.C.R. = BROWARD COUNTY RECORDS	PG. = PAGE
O.R.B. = OFFICIAL RECORDS BOOK	P.O.B. = POINT OF BEGINNING
(P) = PLAT	R/W = RIGHT-OF-WAY
P.B. = PLAT BOOK	U.E. = UTILITY EASEMENT

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1.		
DATE	REVISIONS	BY

File Location:

Scale:	Drawn By:	Date:	Checked By:	Date:
Not To Scale	JSH	05-12-17	F. Guiliano	05-12-17

E:\RW\ROW\Parcel Sketches\NE 51 Street.dwg

**BROWARD COUNTY HIGHWAY CONSTRUCTION & ENGINEERING DIVISION**

SHEET 2 OF 3

**"WILLAH PLAT NO. 1"**  
(P.B. 112, PG. 41, B.C.R.)

**PARCEL A**

**"MORGAN PLAT NO. 1"**  
(P.B. 110, PG. 42, B.C.R.)

**PARCEL A**

**"POMPANO BEACH HIGHLANDS 2nd ADDITION"**  
(P.B. 34, PG. 38, B.C.R.)

**TRACT D**

**"POMPANO BEACH HIGHLANDS"**  
(P.B. 34, PG. 38, B.C.R.)

**Block 29**

**Block 15**

**Block 14**

**Block 12**

**Block 23**

**N.E. 14th AVENUE CURTISWOOD DRIVE (P)**

**N.E. 51st STREET SENECA ROAD (P)**

**N.E. 50th COURT**

**LOT 1**

**LOT 2**

**LOT 3**

**LOT 4**

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DATE	REVISIONS	BY

Scale:	Drawn By:	Date:	Checked By:	Date:	File Location:
1" = 100'	JSH	05-12-17	F. Guillano	05-12-17	E:\RW\ROW\Parcel Sketches\NE 51 Street.dwg



SHEET 3 OF 3

**LEGAL DESCRIPTION:**

A portion of the N.E. 51st Street (formerly known as Seneca Road) 70-foot right-of-way, "POMPANO BEACH HIGHLANDS", as recorded in Plat Book 34, Page 38, of the Public Records of Broward County, Florida; more particularly described as follows:

Beginning at the Northwest Corner of said plat "POMPANO BEACH HIGHLANDS"; thence N 89°51'04" E along the north right-of-way line of N.E. 51st Street, 200.00 feet to a point, being the southwest corner of Lot 1, Block 29, "POMPANO BEACH HIGHLANDS 2nd ADDITION", as recorded in Plat Book 36, Page 21, of the Public Records of Broward County, Florida; thence S 00°00'11" W, 70.00 feet to a point on the south right-of-way line of N.E. 51st Street; said point also being the northeast corner of Tract "D" of said "POMPANO BEACH HIGHLANDS" plat; thence S 89°51'04" W along the said south right-of-way line, 200.00 feet to the westernmost plat limits of said "POMPANO BEACH HIGHLANDS" plat; said point also being the northwest corner of said Tract "D"; thence N 00°00'11" E along said plat limits, 70.00 feet to the Point of Beginning.

Said lands situate and lying in the City of Pompano Beach, Broward County, Florida, and containing 14,000 square feet, more or less.

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DATE	REVISIONS	BY

Scale:	Drawn By:	Date:	Checked By:	Date:	File Location:
Not To Scale	JSH	05-12-17	F. Guillano	05-12-17	E:\RW\ROW\Parcel Sketches\NE 51 Street.dwg

**BROWARD COUNTY HIGHWAY CONSTRUCTION & ENGINEERING DIVISION**

Orig. 3

**RESOLUTION NO. 2018- 71**

**CITY OF POMPANO BEACH  
Broward County, Florida**

**A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF POMPANO BEACH, FLORIDA, FINDING THAT  
THE CITY'S CONVEYANCE OF RIGHT-OF-WAY ALONG  
A PORTION OF NE 51<sup>ST</sup> STREET TO BROWARD COUNTY  
SATISFIES THE CRITERIA OF SECTION 253 OF THE  
CITY'S CHARTER; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Pompano Beach owns a 70' wide by 200' long portion of right-of-way along NE 51<sup>st</sup> Street adjacent to Broward County's Water and Wastewater Services Plant located at 1390 NE 50<sup>th</sup> Street; and

**WHEREAS**, Broward County has requested the City of Pompano Beach convey the foregoing right-of-way along NE 51<sup>st</sup> Street to the County to enhance the security and safety of its Water and Wastewater Services Plant and nearby City residents; and

**WHEREAS**, Section 253 of the City's Charter provides the City may sell or transfer any of its property to another governmental agency if the four specific criteria as set forth below are satisfied; and

**WHEREAS**, the City Commission finds that the proposed transfer to Broward County provides a benefit to the City of Pompano Beach insofar as the Water and Wastewater Services Plant provides freshwater to the City's residents in the area; and

**WHEREAS**, the City Commission finds that a transfer to any other party than Broward County would not provide the same benefit to the people of Pompano Beach because only the County's Water and Wastewater Services Plant provides freshwater to the City's residents in that area; and

**WHEREAS**, the City Commission finds the in-kind compensation to be received by the City of Pompano Beach in exchange for the subject conveyance is fair and equitable because the

County's Water and Wastewater Services Plant provides freshwater to the City's residents in that area, the property being transferred is too small to be utilized by another other party for development or any cognizable use and it will eliminate potential liability and maintenance costs associated with this currently unused property; and

**WHEREAS**, the City Commission finds Broward County has the power of eminent domain over the subject property; now, therefore,

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

**SECTION 1.** That a Quit Claim Deed by the City of Pompano Beach to Broward County, a copy of which Quit Claim Deed 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 Quit Claim Deed by the City of Pompano Beach.

**SECTION 3.** This Resolution shall become effective upon passage.

**PASSED AND ADOPTED** this 23rd day of January, 2018.

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

**ATTEST:**

  
\_\_\_\_\_  
**ASCELETA HAMMOND, CITY CLERK**

1/5/18  
l:reso/2018-68