

RESOLUTION NO. 2018-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ACCEPTING A QUITCLAIM DEED FOR A RIGHT-OF-WAY OWNED BY THE CITY OF POMPANO BEACH, MEASURING 14,000 SQUARE FEET, AND LOCATED IN POMPANO BEACH, FLORIDA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Pompano Beach, a Florida municipal corporation ("City"), owns title to certain real property pursuant to a plat dedication for a public right-of-way, as recorded in Plat Book 34, Page 38, of the Public Records of Broward County, Florida ("Property"), which Property is more particularly described in the legal description and sketch within the quitclaim deed, attached hereto and made a part hereof as Attachment 1 ("Quitclaim Deed"); and

WHEREAS, the Property is adjacent to the Broward County Water and Wastewater Services treatment plant located at 1390 NE 50th Street, Pompano Beach, Florida 33309 ("Plant"); and

WHEREAS, Broward County ("County") desires to acquire the Property for the purpose of a right-of-way, and to enhance the security and safety of the Plant; and

WHEREAS, Section 335.0415, Florida Statutes, provides that public roads, with the mutual agreement of the affected governmental entities, may be transferred between jurisdictions; and

1 WHEREAS, on January 23, 2018, the City Commission of the City of Pompano
2 Beach adopted Resolution No. 2018-71, which approved the conveyance of the
3 Property to the County and authorized the execution of the Quitclaim Deed; and
4

5 WHEREAS, pursuant to the City Resolution No. 2018-71, the City conveyed the
6 Property to the County via the Quitclaim Deed, recorded on February 8, 2018, as
7 Instrument Number 114879086, in the Public Records of Broward County, Florida; and
8

9 WHEREAS, the Board of County Commissioners of Broward County, Florida
10 ("Board"), has determined that acceptance of the Quitclaim Deed serves a public
11 purpose and is in the best interest of the County, NOW, THEREFORE,
12

13 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
14 BROWARD COUNTY, FLORIDA:
15

16 Section 1. The recitals set forth in the preamble to this Resolution are true,
17 accurate, and incorporated by reference herein as though set forth in full hereunder.
18

19 Section 2. The Board hereby accepts the Quitclaim Deed attached as
20 Attachment 1.
21

22 Section 3. SEVERABILITY.

23 If any portion of this Resolution is determined by any Court to be invalid, the
24 invalid portion shall be stricken, and such striking shall not affect the validity of the

1 remainder of this Resolution. If any Court determines that this Resolution, or any
2 portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies),
3 property(ies), or circumstance(s), such determination shall not affect the applicability
4 hereof to any other individual group, entity, property, or circumstance.

5
6 Section 4. EFFECTIVE DATE.

7 This Resolution shall become effective upon adoption.

8
9 ADOPTED this ____ day of _____, 2018.

10
11
12 Approved as to form and legal sufficiency:
13 Andrew J. Meyers, County Attorney

14
15
16 By /s/ Irma Qureshi 05/15/18
17 Irma Qureshi (Date)
18 Assistant County Attorney

19 By /s/ Annika E. Ashton 05/15/18
20 Annika E. Ashton (Date)
21 Senior Assistant County Attorney

22
23 IQ/mw
05/14/18
Resolution Accepting Quitclaim Deed for Right-of-Way
277950
24

Instr# 114879086 , Page 1 of 8, Recorded 02/08/2018 at 12:02 PM
Broward County Commission
Deed Doc Stamps: \$0.70

Attachment 1

Orig. 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 30th 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.

Instr# 114879086 , Page 2 of 8

(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

Instr# 114879086 , Page 3 of 8

Attest:

Ascelela Hammond
Ascelela Hammond, City Clerk

(SEAL)

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instruments were acknowledged before me this 30th 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.



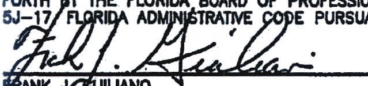
NOTARY'S SEAL:

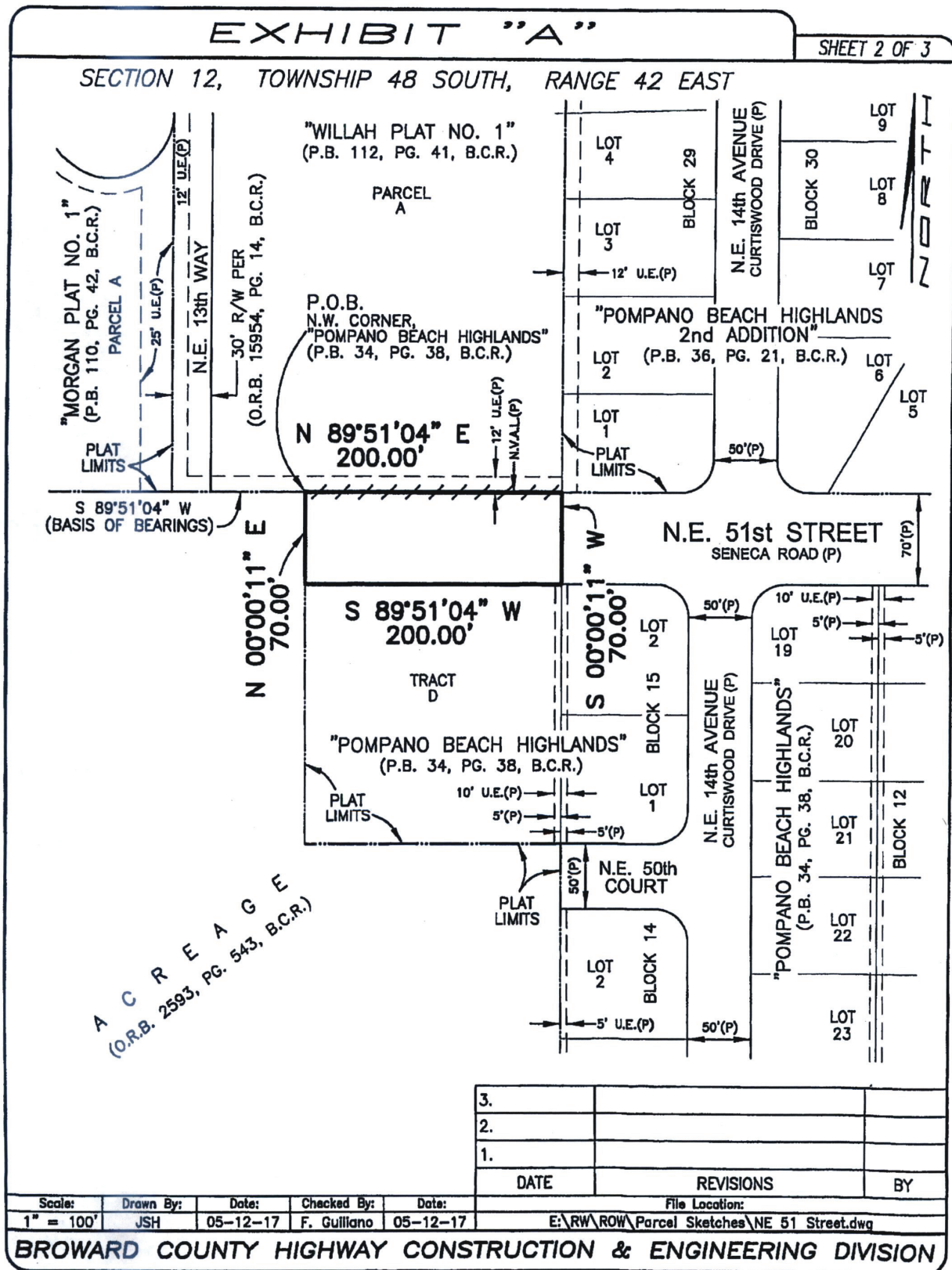


Jennette Forrester Williams
NOTARY PUBLIC, STATE OF FLORIDA
Jennette Forrester Williams
(Name of Acknowledger Typed, Printed or Stamped)
FF 993881
Commission Number

/jrm:jmz
1/5/17
l:realest/2017-249

Instr# 114879086 , Page 4 of 8

EXHIBIT "A"					SHEET 1 OF 3																			
SECTION 12, TOWNSHIP 48 SOUTH, RANGE 42 EAST																								
				 LOCATION SKETCH <u>BROWARD COUNTY, FLORIDA</u> NOT TO SCALE																				
<p><u>SURVEYOR'S CERTIFICATION:</u></p> <p>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.</p> <p style="text-align: center;">  FRANK J. GULLIANO PROFESSIONAL SURVEYOR & MAPPER NO. 5768 NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. </p>																								
<p><u>NOTE:</u></p> <ol style="list-style-type: none"> 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. 																								
<p>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.</p>			<p><u>LEGEND:</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">B.C.R. = BROWARD COUNTY RECORDS</td> <td style="width: 50%;">PG. = PAGE</td> </tr> <tr> <td>O.R.B. = OFFICIAL RECORDS BOOK</td> <td>P.O.B. = POINT OF BEGINNING</td> </tr> <tr> <td>(P) = PLAT</td> <td>R/W = RIGHT-OF-WAY</td> </tr> <tr> <td>P.B. = PLAT BOOK</td> <td>U.E. = UTILITY EASEMENT</td> </tr> </table>			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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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

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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 POMPAÑO BEACH
Broward County, Florida**

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF POMPAÑO BEACH, FLORIDA, FINDING THAT
THE CITY'S CONVEYANCE OF RIGHT-OF-WAY ALONG
A PORTION OF NE 51ST 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 51st Street adjacent to Broward County's Water and Wastewater Services Plant located at 1390 NE 50th Street; and

WHEREAS, Broward County has requested the City of Pompano Beach convey the foregoing right-of-way along NE 51st 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