

Meeting Date: October 27, 2009

Agenda Item 10

REQUESTED COMMISSION ACTION:

Consent Ordinance Resolution Consideration Workshop

SHORT TITLE Approval to Transfer and Assign One Cemetery Plot From Concetta Summerlin
OR MOTION: Cimaglia Back to the City of Pompano Beach

Summary of Purpose and Why:

The Public Works Department has received a Transfer and Assignment of Burial Agreement to transfer and assign Plot 5, Lot 1, Block 9 in the West Lawn back to the City. The original Burial Right Agreement, #4410, is attached. Mrs. Cimaglia moved to Ormond Beach, FL and no longer needs this plot.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Staff
- (2) Primary staff contact: Robert A. McCaughan, Public Works Director Ext. 4097
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: \$850 from #621-0000-364.10-00 Cemetery Lot Sales

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE OR ATTACHED MEMO NUMBER
Public Works	<u>10/12/09</u>	<u>Approve</u>	<u>Robert A. McCaughan</u>
Finance	<u>10/21/09</u>	<u>approve</u>	<u>S. Subala</u>
Budget	<u>10/21/09</u>	<u>approve</u>	<u>[Signature]</u>

- Advisory Board
- Development Services Director
- Interim City Manager

[Signature]

ACTION TAKEN BY COMMISSION:

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>	<u>Workshop</u>
1st Reading _____	1st Reading _____	Results: _____	Results: _____
2nd Reading _____	_____	_____	_____

RECEIVED
2009 OCT 13 PM 1:58
FINANCE DEPT.

CEMETERY TRANSFER AND ASSIGNMENT OF BURIAL RIGHT AGREEMENT

I (we), CONCETTA SUMMERLIN CIMAGLIA
(Assignor)

of 50 COQUINA RIDGE WAY ORMOND BEACH, FL. 32174 hereby
(Address)

assign, transfer and set over this date to CITY OF POMPANO BEACH of
(Assignee)

1201 N.E. 5 AVE. POMPANO BEACH, FL. 33060
(Address)

right(s), title and interest in and to Burial Right Agreement(s) # 04410 entered into on the 29 day of
JAN. 2002 between the City of Pompano Beach, a municipal corporation existing under the laws of the State of
Florida, and being in Broward County, Florida,

and CONCETTA SUMMERLIN CIMAGLIA
(Assignor)

(Said burial agreement(s) attached hereto) subject to all the terms and conditions thereof, and do hereby remise, release and quit-claim
unto the said CITY OF POMPANO BEACH
(Assignee)

all my (our) right(s), title and interest in and to the Burial Right Agreement(s) described herein and agreed to be conveyed.
Block 9 Lot(s) 1 Plot(s) 5 Lawn WEST

Concetta Summerlin Cimaglia
(Assignor)

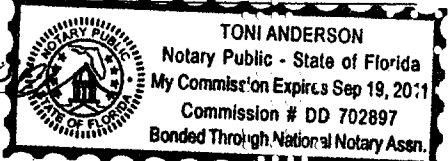
(Assignor)

(Witness)

Subscribed and sworn to/affirmed before me on Sept 30, 2009, by Concetta
Summerlin Cimaglia who is personally known to me or has presented

as identification.

Toni Anderson
Notary Public



The City Commission of the City of Pompano Beach, Florida, hereby accepts the foregoing assignment of Burial Right Agreement(s), subject to all terms and conditions thereof.

Lamar Fisher, Mayor

ATTEST:

Mary L. Chambers, City Clerk
OCT 13 2009 10:27 AM

RECEIVED



Pompano Beach Cemetery Burial Right Agreement

Nº 04410

THIS INDENTURE, made this 9 day of January, A.D. 2002, between CITY OF POMPANO BEACH, a municipal corporation existing under the laws of the State of Florida, and being in Broward County, Florida, Party of the First Part, and Concetta Summerlin of the County of Broward and State of Florida Part y of the Second Part, whose address is 601 Se 8th St
Pompano Beach Fl 33060

WITNESSETH, that the said Party of the First Part for and in consideration of the sum of \$ 850.00 to it in hand paid by the Part y of the Second Part, receipt of which is hereby acknowledged, does hereby give and grant to the said Part y of the Second Part, the exclusive and perpetual Right of Burial of the human dead in that certain parcel of land, situate, lying and being in Broward County, Florida, to wit:
Block 9, Lot 1, of Plot 5 of Pompano Beach Cemetery West Lawn
according to a plat thereof recorded in Plat Book 41, Page 40, of the public records of Broward County, Florida.

The right hereby granted and given shall be exercised and used in accordance with the Rules and Regulations of the Board of Trustees, governing such property now in existence, and as hereafter prescribed, altered or amended from time to time. The Party of the Second Part, by acceptance of this Burial Right Agreement, acknowledges that he or she has received a copy of the Rules and Regulations now in effect, and does agree that such rules and regulations may be amended or altered from time to time by the Board of Trustees, and as so amended will be valid and binding against the right herein given and granted. The Party of the Second Part does hereby agree that the premises above described shall remain under the perpetual care of the Party of the First Part in accordance with the Rules and Regulations now or hereafter in effect; and Party of the First Part hereby agrees that a true and correct copy of current Rules and Regulations in existence shall be kept in the office of the Cemetery Management for inspection by Party of Second Part at all reasonable times.

IN WITNESS WHEREOF, the said City of Pompano Beach has caused these presents to be signed in its name by its Mayor-Commissioner and City Manager and its corporate seal to be affixed, attested by its City Clerk the day and year above written.

PARTY OF THE SECOND PART

By Concetta Summerlin

By [Signature]
WITNESS

WITNESS

CITY OF POMPANO BEACH

By [Signature] CITY MANAGER

By [Signature] MAYOR-COMMISSIONER

ATTEST [Signature]
CITY AUDITOR - CLERK (SEAL)

Signed, sealed and delivered in our presence:

[Signature] WITNESS
[Signature] WITNESS

STATE OF FLORIDA COUNTY OF BROWARD

The forgoing instrument was acknowledged before me this January 14, 2002 by William F. Griffin, as Mayor, of the City of Pompano Beach, a municipal Florida corporation, on behalf of the municipal corporation. He/She is personally known to me and he/she did/did not take an oath.

NOTARY'S SEAL:

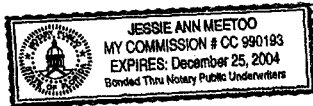


[Signature]
NOTARY PUBLIC, STATE OF FLORIDA
(Signature of Notary Taking Acknowledgment)
Jessie Ann Meetoo
(Name of Acknowledger Typed, Printed or Stamped)
#CC 990193
Commission Number

STATE OF FLORIDA COUNTY OF BROWARD

The forgoing instrument was acknowledged before me this January 14, 2002 by C. William Hargett, Jr., as City Manager, of the City of Pompano Beach, a municipal Florida corporation, on behalf of the municipal corporation. He/She is personally known to me and he/she did/did not take an oath.

NOTARY'S SEAL:

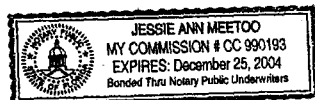


[Signature]
NOTARY PUBLIC, STATE OF FLORIDA
(Signature of Notary Taking Acknowledgment)
Jessie Ann Meetoo
(Name of Acknowledger Typed, Printed or Stamped)
#CC 990193
Commission Number

STATE OF FLORIDA COUNTY OF BROWARD

The forgoing instrument was acknowledged before me this January 14, 2002 by Mary L. Chambers, as City Clerk of the City of Pompano Beach, a municipal Florida corporation, on behalf of the municipal corporation. He/She is personally known to me and he/she did/did not take an oath.

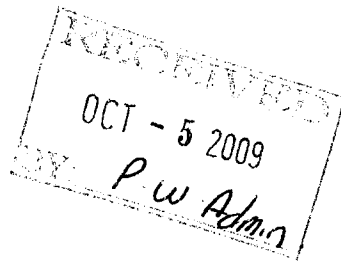
NOTARY'S SEAL:



[Signature]
NOTARY PUBLIC, STATE OF FLORIDA
(Signature of Notary Taking Acknowledgment)
Jessie Ann Meetoo
(Name of Acknowledger Typed, Printed or Stamped)
#CC 990193
Commission Number

Sept. 29, 2009

City of Pompano Beach
1201 N.E. 5 Ave.
Pompano Beach, Fl. 33060



To Whom It May Concern,

Enclosed please find Cemetery Transfer Agreement, and Burial Right Agreement.

I have moved out of the area, and am no longer in need of this burial plot. I would like to sell this plot back to the City of Pompano Beach.

I would appreciate your attention regarding this matter.

Sincerely,

Concetta Summerlin Cimoglia

50 COQUINA RIDGE WAY
ORMOND BEACH, FL. 32174

1-386-672-3811