

Meeting Date: October 27, 2009

Agenda Item 8
Memorandum No. 09-390

REQUESTED COMMISSION ACTION:

Consent Ordinance Resolution Consideration/
Discussion Presentation

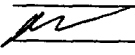
SHORT TITLE A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH,
FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY
OFFICIALS TO EXECUTE A SHARED PARKING AGREEMENT AMONG MILO,
INC., AND ZP PROPERTIES, INC., AND THE CITY OF POMPANO BEACH

Summary of Purpose and Why:

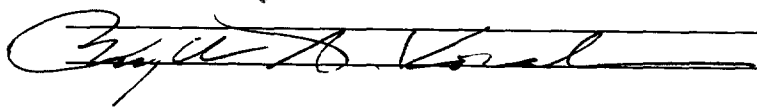
As provided for in section 155.112 (A) this resolution authorizes two adjoining property owners to share parking and thus meet the parking requirements for both properties. With the City being a third party to the agreement and by having the agreement recorded it guarantees the agreement will stay in effect until no longer needed.

The property addresses are 233 NE 13th St. and 1305 NE 3rd Ave. The southern property addressed on 13th Street is to be used for a towing service while the other property is being used for commercial business activities.

- (1) Origin of request for this action: Fred Mathews and John Lytle (Adjacent Property Owners)
- (2) Primary staff contact: Ed Snyder / Robin M. Bird Ext. 5554
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: None

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE OR ATTACHED MEMO NUMBER
Development Services	10/03/09	Approval	

- Advisory Board
- Planning Director
- Public Works Director
- Interim City Manager



ACTION TAKEN BY COMMISSION:

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

RESOLUTION NO. 2010- _____

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SHARED PARKING AGREEMENT AMONG MILO, INC., AND ZP PROPERTIES, INC., AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That a Shared Parking Agreement among Milo, Inc., and ZP Properties, Inc. and the City of Pompano Beach, a copy of which Agreement is attached hereto and incorporated by reference as if set forth in full, is hereby approved.

SECTION 2. That the proper City officials are hereby authorized to execute said Agreement among Milo, Inc., and ZP Properties, Inc. and the City of Pompano Beach.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2009.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

OFF STREET PARKING AGREEMENT

THIS IS AN AGREEMENT, by and between MILO, INC. (Fred Mathews, President), hereinafter called OWNER PARCEL "A", ZP PROPERTIES, INC. (John Lytle, President), hereinafter called OWNER PARCEL "B", and the CITY OF POMPANO BEACH, a municipal corporation of the State of Florida, hereinafter called CITY.

WHEREAS, Chapter 155, Section 155.112 (A), City of Pompano Beach Code of Ordinances, requires that off-street parking facilities shall be located upon the same parcel of land the facilities are intended to serve, or on an additional parcel of land within five hundred feet (500') of the nearest property line of the premises the off-street parking facilities are intended to serve; and

WHEREAS, Section 155.112 (A) (1) requires an off-street parking agreement between the property owners of the respective parcels and CITY OF POMPANO BEACH if a separate parcel is to be used for off-street parking facilities; and

WHEREAS, the OWNER PARCEL "A" of certain real property situate, lying and being in Broward County and described more fully in Exhibit "A", attached hereto and incorporated herein, and hereinafter referred to as Parcel "A", intends to make improvements on Parcel "A" which requires additional off-street parking facilities; and

Whereas, the OWNER PARCEL "B" of certain other real property, which is within five hundred feet (500') of Parcel "A", which is more fully described in Exhibit "B", attached hereto and incorporated herein, and hereinafter referred to as Parcel "B", intends to provide that required additional off-street parking on Parcel "B";

In consideration of the mutual promises, terms and conditions contained herein, OWNER and CITY agree as follows:

1. The CITY gives the OWNER PARCEL "A" permission to use the real property described in Exhibit "B", attached hereto and incorporated herein and known as Parcel "B", for off-street parking in connection with the real property described in Exhibit "A", attached hereto and incorporated herein and know as Parcel "A".

\$205.00 fee paid – Receipt # 124880

In consideration for said permission, OWNER PARCEL "A" and OWNER PARCEL "B" covenant and agree that the portion of Parcel "B", which satisfies the off-street parking requirement of Parcel "A", shall never be sold or disposed of except in conjunction with the sale of Parcel "A", as long as off-street parking facilities are required by applicable City ordinances.

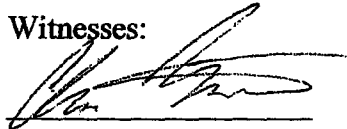
2. The provisions contained herein shall be restrictions and covenants running with the land and shall be binding upon the heirs, successors and assigns of the parties.

3. An additional parcel or parcels of land meeting the provisions of the City of Pompano Beach Code of Ordinances may be substituted for Parcel B, with the permission of the City of Pompano Beach, by means of an agreement of equal dignity to this Agreement and recorded in the Public Records of Broward County.

4. This Agreement shall be of no effect until it is properly executed by the CITY and OWNERS and recorded in the Public Records of Broward County at the expense of the OWNERS.

IN WITNESS WHEREOF, CITY and OWNERS have executed this Agreement on the respective dates under each signature.

Witnesses:



Christopher Mathews

MILO, INC.
OWNER PARCEL "A"


Sign  9-15-09

President
Fred Mathews

PRINT Owner's name above line

Address:
616 Intracoastal Drive
Fort Lauderdale, FL 33304

Z. P. PROPERTIES, INC.
OWNER PARCEL "B"

Sign  9-15-09

President
John Lytle

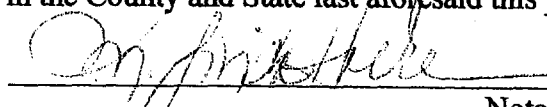
PRINT Owner's name above line

Address:
1330 SE 7th Avenue
Pompano Beach, FL 33060

STATE OF FLORIDA)
COUNTY OF BROWARD)

I HEREBY CERTIFY that on this day before me, Fred Mathews, President of MILO, INC. and John Lytle, President of Z.P. PROPERTIES, INC., personally appeared to me known to be the persons who signed the foregoing instrument and they acknowledged the execution thereof to be their free act and deed for the uses and purposes therein mentioned and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 15th day of September, 2009.



Notary Public

My Commission Expires:

2/5/10


NOTARY PUBLIC-STATE OF FLORIDA
 M. Linda Holke
Commission # DD500082
Expires: FEB. 05, 2010
Bonded Thru Atlantic Bonding Co., Inc.

EXHIBIT "A"

**FRED MATHEWS
616 Intracoastal Drive
Fort Lauderdale, Florida 33304**

**A portion of Section 35, Township 48 South, Range 42 East,
More particularly described as follows:**

Commence at the Northeast corner of Section 35, Township 48 South, Range 42 East: thence South along the East line of said Section 35, a distance of 508.61 feet to a point; thence West on a line parallel to the North line of said Section 35 a distance of 793.00 feet to the Point of Beginning of this description; thence South along a line parallel to the East line of said Section 35 a distance of 142.57 feet to a point; thence East along a line parallel to the North line of said Section 35, a distance of 125 feet to a point; thence North along a line parallel to the East line of said Section 35 a distance of 142.57 feet to a point; thence West along a line parallel to the North line of said Section 35 a distance of 125 feet to the Point of Beginning.

EXHIBIT "B"

**JOHN LYTLE
1330 SE 7th Avenue
Pompano Beach, Florida 33060**

Commence at the Northeast corner of said Section 35; thence south along the East line of said Section 35 a distance of 468.81 feet to a point; thence West on a line parallel to the North line of said Section 35 a distance of 793.0 feet to the Point of Beginning of this description; thence South along a line parallel to the East line of said Section 35 a distance of 40 feet; thence East along a line parallel to the North line of said Section 35 a distance of 125 feet; thence North along a line parallel to the East line of said Section 35 a distance of 40 feet; thence West along a line parallel to the North line of said Section 35 a distance of 125 feet to the Point of Beginning.

AKA: 1305 N.E. 3rd Avenue ZONED: B-4 (Heavy Business District)

NOTE: This is a re-hearing of Appeal #01-67.

"CITY":

Witnesses:

CITY OF POMPANO BEACH

Signature

By: _____
LAMAR FISHER, MAYOR

Signature

By: _____
PHYLLIS KORAB
INTERIM CITY MANAGER

Attest:

MARY L. CHAMBERS
CITY CLERK

(SEAL)

Approved As To Form:

GORDON B. LINN
CITY ATTORNEY

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, 2007 LAMAR FISHER, as Mayor of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY'S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, 2007 by PHYLLIS KORAB, as Interim City Manager of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY'S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, 2007 by MARY L. CHAMBERS as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY'S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number