

Meeting Date: June 22, 2010

Agenda Item 5
Memorandum No. 10-150

REQUESTED COMMISSION ACTION:

Consent Ordinance Resolution Consideration Workshop

SHORT TITLE A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM FIRST BRAZILIAN BAPTIST CHURCH OF SOUTH FLORIDA, INC. TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

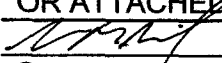
Summary of Purpose and Why:

Applicant has obtained site plan approval in order to construct a new storage building on an existing church site at 1101 N.E. 33rd Street. As per Zoning Code Section 155.259, Adequate Rights-of-Way Required, and conditional to the approval of the site plan, the City of Pompano Beach requires an additional 25' of right-of-way along N.E. 12th Avenue. Attached is a copy of the survey, Opinion of Title, and Warranty Deed for this additional right-of-way. The concerns of the City Attorney have been met; refer to letter from Perry W. Hodges Jr., dated June 3rd, 2010.

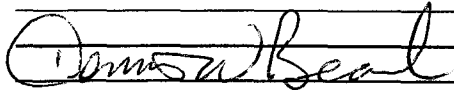
After acceptance by the City, the deed will be recorded in the Broward County records.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: First Brazilian Baptist Church of South Florida, Inc.
- (2) Primary staff contact: Paola West/ Robin M. Bird Ext. 7780
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE OR ATTACHED MEMO NUMBER
Dev. Ser. Dept.	6/3/10	Approval	
City Attorney	6/1/10		See attached memo #2010-1278

- Advisory Board
- Public Works Administrator
- City Manager



ACTION TAKEN BY COMMISSION:

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

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM FIRST BRAZILIAN BAPTIST CHURCH OF SOUTH FLORIDA, INC. TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, First Brazilian Baptist Church of South Florida, Inc. is willing to convey to the City of Pompano Beach certain real property via Warranty Deed; and

WHEREAS, the City Commission has determined that the best interests of the public will be served by accepting and acquiring the rights being conveyed by the Warranty Deed; now, therefore,

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

SECTION 1. That the City of Pompano Beach accepts the conveyances of real property from First Brazilian Baptist Church of South Florida, Inc., dated January 29, 2010, a copy of which is attached hereto and incorporated by reference as if set forth in full.

SECTION 2. That it is the determination of the City Commission of the City of Pompano Beach, Florida, that the acquisition of the aforesaid property is for a public purpose, to wit: future right-of-way.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2010.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

RECORD & RETURN TO:

PERRY W. HODGES, JR., ESQ.
1401 E. Broward Boulevard, #300
Fort Lauderdale, FL 33301-2116

This instrument was prepared by:

PERRY W. HODGES, JR., ESQ.
1401 E. Broward Boulevard, #300
Fort Lauderdale, FL 33301-2116
Telephone: (954) 462-1431

Property Appraiser's Parcel
Identification Number:

_____ [Space above this line for recording data] _____

WARRANTY DEED

Statutory Form - §689.02, F.S.

This Indenture, made this 29th day of January, 2010, Between **FIRST BRAZILIAN BAPTIST CHURCH OF SOUTH FLORIDA, INC., a Florida nonprofit corporation**, whose post office address is 1103 Northeast 33rd Street, Pompano Beach, Florida 33064, of the County of Broward, State of Florida, grantor*, and **CITY OF POMPANO BEACH, a political subdivision of the State of Florida**, whose post office address is 100 West Atlantic Boulevard, Pompano Beach, Florida 33060, of the County of Broward, State of Florida, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN and 00/100 DOLLARS (\$10.00), and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledges, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Broward County, Florida, to wit:

East 25 feet of the North 159.29 feet of The East 495.00 feet of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 24, Township 48 south, Range 42 East, Broward County, Florida. Said described parcel containing 3,982 square feet, more or less.

SEE ATTACHED SKETCH OF DESCRIPTION

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

(*"Grantor" and "Grantee" are used for singular or plural, as context requires.)


In Witness Whereof, grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

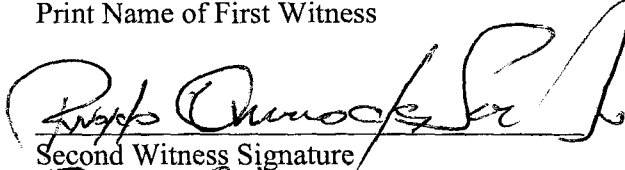
Signed, sealed and delivered
in our presence:

FIRST BRAZILIAN BAPTIST CHURCH OF
SOUTH FLORIDA, INC.

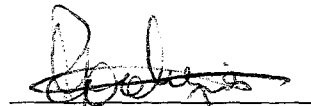
Sindara Rosa Bertho
First Witness Signature


SINDARA ROSA BERTHO
Print Name of First Witness



SILAIR ALMEIDA
President


Second Witness Signature


RIVALDO QUIRINO DOS SANTOS
Print Name of Second Witness

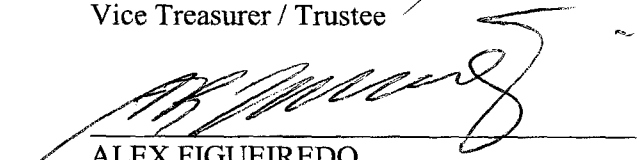

MARCIO RODRIGUES
Vice President / Trustee


CLAUDIA BOHRER
Secretary / Trustee


MARILUCE SOMA
Vice Secretary / Trustee


JAIRO VALVERDE
Treasurer / Trustee


MARCELO POMPEU
Vice Treasurer / Trustee

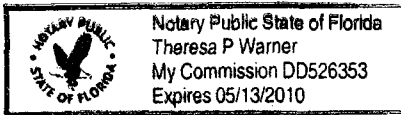

ALEX FIGUEIREDO
Financial Director / Trustee

(CORPORATE SEAL)

STATE OF FLORIDA)
) ss.
COUNTY OF BROWARD)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared SILAIR ALMEIDA, as President, and MARCIO RODRIGUES, CLAUDIA BOHRER, MARILUCE SOMA, JAIRO VALVERDE, MARCELO POMPEU, and ALEX FIGUEIREDO as all the Trustees of FIRST BRAZILIAN BAPTIST CHURCH OF SOUTH FLORIDA, INC., a Florida nonprofit corporation. SILAIR ALMEIDA is personally known to me or has produced a Florida driver's license as identification. MARCIO RODRIGUES is personally known to me or has produced a Florida driver's license as identification. CLAUDIA BOHRER is personally known to me or has produced a Florida driver's license as identification. MARILUCE SOMA is personally known to me or has produced a Florida driver's license as identification. JAIRO VALVERDE is personally known to me or has produced a Florida driver's license as identification. MARCELO POMPEU is personally known to me or has produced a Florida driver's license as identification. ALEX FIGUEIREDO is personally known to me or has produced a Florida driver's license as identification. They have executed the foregoing Warranty Deed, and they acknowledged before me that they executed the same freely and voluntarily under authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

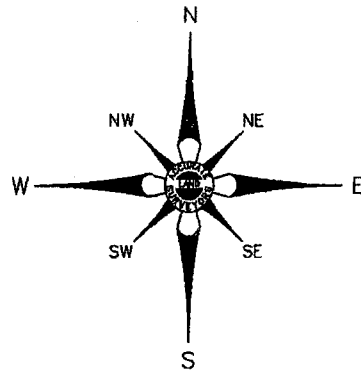
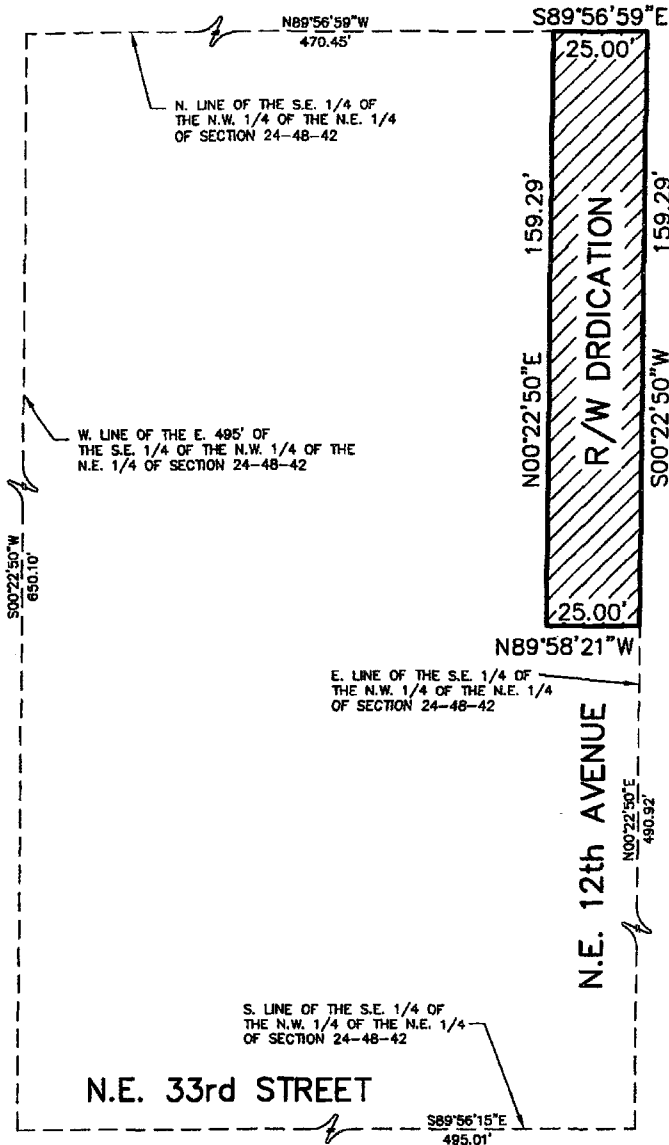
WITNESS my hand and official seal at Broward County, and State of Florida, this 29th day of January, 2010.



Theresa P. Warner
Notary Signature
Theresa P. Warner
Print Name of Notary
Notary Public, State of Florida
PRODUCED FL DRIVER LICENSE
OR FLORIDA ID CARD

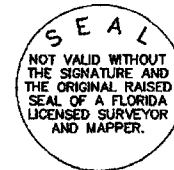
My commission expires: 5/13/2010

DL- SILAIR ALMEIDA	D 423-783-60-025-0
ID- MARCIO RODRIGUES	R-362-540-68-222-0
ID - CLAUDIA BOHRER	B 660-113-66-810-0
DL- MARILUCE SOMA	A 622-540-68-757-0
DL- JAIRO VALVERDE	V 416-422-63-051-0
DL- MARCELO POMPEU	P 510-540-68-409-0
ID- ALEX FIGUEIREDO	F 263-016-66-465-0



GRAPHIC SCALE
1"=40'

SKETCH OF DESCRIPTION



LEGAL DESCRIPTION:

East 25 feet of the North 159.29 feet of the The East 495.00 feet of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 24, Township 48 south, Range 42 East, Broward County, Florida. Said described parcel containing 3,982 square, feet, more or less.

CERTIFICATION:

WE HEREBY CERTIFY THAT THE ATTACHED SKETCH OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AS DELINEATED UNDER OUR DIRECTION AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH. I FURTHER CERTIFY THAT THIS SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING UNDER RULE 61G17-9 FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS, MAY 1995.

Robert L. Thompson 12-18-09

ROBERT L. THOMPSON (PRESIDENT)
PROFESSIONAL SURVEYOR AND MAPPER No.3869 - STATE OF FLORIDA

REVISIONS	DATE	BY

DATE 12-17-09	DRAWN BY MLW	CHECKED BY MLW	FIELD BOOK ALS-SU-09-2928	SCALE 1"= 40'	SKETCH NUMBER SU-09-2928
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OPINION OF TITLE

To: CITY OF POMPANO BEACH

This Opinion of Title is furnished to the City of Pompano Beach in conjunction with a Warranty Deed. It is hereby certified that I have examined the title covering the period from the beginning to May 26, 2010, at 11:00 P.M., of the following described property:

East 25 feet of the North 159.29 feet of The East 495.00 feet of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 24, Township 48 south, Range 42 East, Broward County, Florida. Said described parcel containing 3,982 square feet, more or less.

SEE ATTACHED SKETCH OF RIGHT-OF-WAY DESCRIPTION

I am of the opinion that on the last mentioned dated, the fee simple title to the above-described real property was vested in:

FIRST BRAZILIAN BAPTIST CHURCH OF SOUTH FLORIDA, INC., a Florida not-for-profit corporation

Subject to the following:

Mortgage(s) of Record.

1. Mortgage, Security Agreement and Financing Statement executed by First Brazilian Baptist Church of South Florida, Inc., a Florida not-for-profit corporation, in favor of Church Growth Investment Fund, Inc., a Florida non-profit corporation, securing the original principal amount of \$3,823,082.00, dated December 20,2005, and recorded December 20,2005 at 12:56 p.m., in Official Records Book 41129, at Page 358, Public Records of Broward County, Florida. Said mortgage modified by instrument recorded March 2, 2009, in Official Records Book 46021, Page 1790, of the Public Records of Broward County, Florida.
2. Possibility of Reverter between North Pompano Baptist Church Holding Company, a Florida non-profit corporation, Florida Baptist Convention, a Florida non-profit corporation and First Brazilian Baptist Church of South Florida, Inc., a Florida non-profit corporation in favor of The North American Mission Board of the Southern Baptist Convention, Inc., a Georgia non-profit corporation, recorded June 10,2002 in Official Records Book 33251, page 768; (possibility of reverter in Warranty Deed recorded in Official Records Book 29239, page 1262) as subordinated by Subordination Agreement Regarding Right of Reversion recorded in Official Records Book 41129, page 379 of the Public Records of Broward County, Florida.

List of easements and Rights-of-Ways lying within the plat boundaries.

1. Easement in favor of Florida Power & Light Company, recorded May 8, 1969 in Official Records Book 3925, page 683 of the Public Records of Broward County, Florida.
2. Easement in favor of Florida Power & Light Company, recorded in Official Records Book 735, Page 192 of the Public Records of Broward County, Florida.
3. Easement in favor of Florida Power & Light Company, recorded in Official Records Book 902, Page 374 of the Public Records of Broward County, Florida.
4. Permanent Cross Parking License between North Pompano Baptist Church Holding Company, a Florida non-profit corporation and First Brazilian Baptist Church of South Florida, Inc., a Florida nonprofit corporation, recorded February 16, 1999 in Official Records Book 29239, page 1265; affected by Partial Release of Permanent Cross Parking License in Official Records Book 33040, page 238 and Subordination of Permanent Cross Parking License in Official Records Book 33251, page 764, of the Public Records of Broward County, Florida.
6. Easement recorded in Official Records Book 36336, Page 879 of the Public Records of Broward County, Florida.
7. Grant of Right of First Refusal with Respect to purchase of Property between First Brazilian Baptist Church of South Florida, a Florida non-profit corporation and North Pompano Baptist Church Holding Company, a Florida non-profit corporation, recorded February 16, 1999, in Official Records Book 29239, Page 1279; affected by Subordination of Right of First Refusal in Official Records Book 33251, Page 773, of the Public Records of Broward County, Florida.
7. Owners Agreement for Water and/or Wastewater Service, recorded June 17,2002 in Official Records Book 33288, page 520, of the Public Records of Broward County, Florida.
8. Ordinance No, 2002-61 by Broward County, recorded November 21,2002 in Official Records Book 34145, page 1891, of the Public Records of Broward County, Florida.
9. Easement Deed recorded in Official Records Book 32393, Page 988, of the Public Records of Broward County, Florida.
10. Terms and conditions of Warranty Deed recorded in Official Records Book 41129, page 355, of the Public Records of Broward County, Florida.

I HEREBY CERTIFY that the foregoing report reflects a comprehensive search of the Public Records of Broward County, Florida, affecting the above described property. I further certify that

I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar. Respectfully submitted this 3rd day of June, 2010.



PERRY W. HODGES, JR.
Florida Bar No. 0181190
ROGERS, MORRIS & ZIEGLER LLP
1401 East Broward Boulevard, Suite 300
Fort Lauderdale, Florida 33301-2116
Telephone: (954) 462-1431



ATTORNEYS & COUNSELORS
ESTABLISHED 1925

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ROMNEY C. ROGERS*
RUSSELL A. WHITE
MARK F. BOOTH
CHARLES M. KRAMER
PERRY W. HODGES, JR., P.A.
JOSEPH T. DUCANIS, JR.*
LORNA B. BANISTER^o
LIZA E. SMOKER

*BOARD CERTIFIED IN WILLS, TRUSTS & ESTATES
*ALSO ADMITTED TO GEORGIA BAR
^oALSO ADMITTED TO TEXAS BAR

June 3, 2010

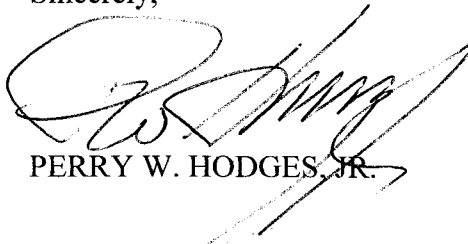
CITY OF POMPANO BEACH
100 West Atlantic Boulevard
Pompano Beach, Florida 33060

RE: FIRST BRAZILIAN BAPTIST CHURCH OF SOUTH FLORIDA, INC.
right-of-way deed to CITY OF POMPANO BEACH
Our File No. 09-085

Dear Sir/Madam:

This letter will confirm that the second mortgage listed on the opinion of title for the property owned by First Brazilian Baptist Church of South Florida, Inc. is not a lien against the property described in the proposed right-of-way deed. I have enclosed my opinion of title on the right-of-way legal description to confirm this fact. Should you need any additional information regarding the transfer of the right-of-way parcel, please do not hesitate to contact me. Thank you.

Sincerely,



PERRY W. HODGES, JR.

/pwh
enclosure



CITY OF POMPANO BEACH
DEPARTMENT OF DEVELOPMENT SERVICES

100 West Atlantic Boulevard - Room 316
Pompano Beach, FL 33060



MEMORANDUM NO. 10-151

DATE: June 4, 2010

TO: Gordon Linn, City Attorney

VIA: Robin M. Bird, Development Services Director *RB*

FROM: Paola A. West, Planner *PW*

RE: ROW Dedication – 1103 NE 33rd Street – First Brazilian Baptist Church

In your memo #2010-1278, dated June 1, 2010, regarding Right-of-Way Dedication from First Brazilian Baptist Church, you asked staff to determine whether the Second Mortgage listed on the Opinion of Title should be partially released prior to the submittal of the resolution you prepared to the City Commission. The applicant submitted a letter clarifying that the second mortgage is not a lien on the property and has included an additional Opinion of Title for the right-of-way. This Second Mortgage is referenced on the original Opinion of Title because a Unity of Title for two properties is being recorded concurrently. Please advise if this letter addresses your concern.

Please contact me at ext. 7780 if you need additional information or have any questions.

Attachments