

Meeting Date: April 12, 2011

Agenda Item 19

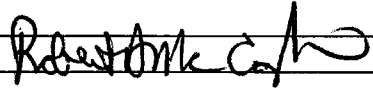
REQUESTED COMMISSION ACTION:

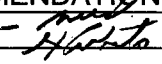
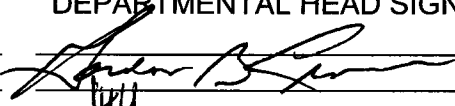

Consent Ordinance Resolution Consideration/Discussion Presentation

SHORT TITLE A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER OFFICIALS TO EXECUTE A HARDSCAPE AND LANDSCAPE IMPROVEMENTS EASEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND K98, INC.; PROVIDING AN EFFECTIVE DATE.

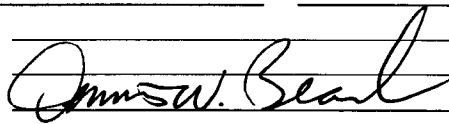
Summary of Purpose and Why:

The CRA is funding a streetscape improvement project to City of Pompano Beach right of way along NW 6th Avenue from Atlantic Blvd. to NW 15th Street, and along NW 6th Street from Dixie Highway to NW 10th Avenue. Part of the planned improvements include enhancing the landscaping on property located at the corner of NW 6th Ave. and NW 15th Street. This includes private property owned by K98, Inc. The attached resolution is to approve a Hardscape and Landscape Improvements Easement Agreement between the City and the private entity that owns the property in question. Approving this Resolution will allow the City to include the area covered by the agreement in the improvements to be made through the project which will enhance the visual appeal of the neighborhood.

- (1) Origin of request for this action: CRA Staff
- (2) Primary staff contact: Robert A. McCaughan  Ext. 4097
- (3) Expiration of contract, if applicable: _____
- (4) Fiscal impact and source of funding: CRA funded project

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
CAO # 2011-424	12/17/10	Approval - 	
CRA	4/6/11	Approval	

City Manager



ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration	Workshop
1 st Reading _____	1 st Reading <u>3/22/11</u>	Results: _____	Results: _____
2 nd Reading _____	_____	_____	_____
_____	_____	_____	_____



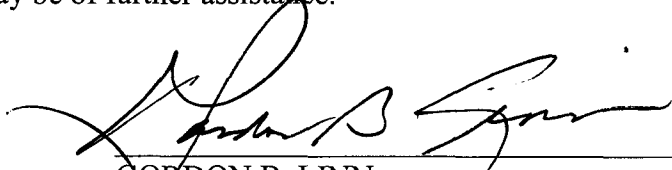
City Attorney's Communication #2011-424
December 17, 2010

TO: Steven Spaulding, Community Development Coordinator
FROM: Gordon B. Linn, City Attorney
RE: Hardscape and Landscape Improvements Easement Agreement

As requested, I have reviewed and revised the Hardscape and Landscape Improvements Easement Agreement, which I have attached hereto. Also attached is a form of Resolution captioned as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A HARDSCAPE AND LANDSCAPE IMPROVEMENTS EASEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND K98, INC.; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact me if I may be of further assistance.



GORDON B. LINN

/jrm
l:cor/cra/2011-424

Attachments

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 HARDSCAPE AND LANDSCAPE IMPROVEMENTS EASEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND K98, INC.; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That an Agreement between the City of Pompano Beach and K98, Inc., 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 between the City of Pompano Beach and K98, Inc.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2011.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

Prepared by and return to:
City of Pompano Beach CRA
100 West Atlantic Boulevard
Pompano Beach, Florida 33060

HARDSCAPE AND LANDSCAPE IMPROVEMENTS EASEMENT AGREEMENT

THIS EASEMENT (this "Easement) is made and executed this _____ day of _____, 2011, by K98, INC. of 598 NW 15 Street, Pompano Beach, FL 33060 (the "Grantor"), to the CITY OF POMPANO BEACH, a municipal corporation of the State of Florida, having an address of 100 W. Atlantic Blvd., Pompano Beach, Florida 33060 (the "Grantee"):

(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs legal representatives and assigns of individuals, and the successors and assigns of corporations, partnerships (including joint ventures), public bodies and quasi-public bodies.)

WITNESSETH:

WHEREAS, Grantor is lawfully seized in fee simple and is in possession of certain property situated in Broward County, Florida, (hereinafter referred to as "Property"); and

WHEREAS, Grantor desires to grant an exclusive landscape and hardscape improvement easement in, on, over, under, through, and across the Property more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Easement Area").

NOW, THEREFORE, in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby states as follows:

1. Grantor does hereby grant unto the Grantee, a perpetual exclusive landscape and hardscape improvement easement in, on, over, under, through, and across the Easement Area, with the necessary appurtenances thereto together with full and free right of ingress and egress.

2. Grantee shall have the right and privilege time to construct, reconstruct and improve, together with the right to permit any other persons, firms or corporations as designated by the Grantee and the Pompano Beach Community Redevelopment Agency to any facilities hereunder and the full right of ingress and egress to the Easement Area during the time of construction, maintenance and improvements.

3. Grantee shall have the right but not the duty to keep the Easement Area cleared of undergrowth and other obstructions that may interfere with the appearance and maintenance of the Easement Area.

4. Grantor shall not construct, place or plant any obstacle of a permanent nature or tree on the Easement Area. If any obstacle or thing is placed within the limits of this grant by the Grantor, its representative or agent, the Grantor will in no way hold the Grantee, or its assigns liable for any damage done thereto during any period of construction, maintenance or repair of improvements within the Easement Area.

5. The Easement granted shall be binding upon the Grantor and its successors and assigns. This Easement shall not be released or amended in any manner without the written consent of Grantee, except as otherwise provided herein.

6. The title to the improvements made by Grantor shall remain in the name of the Grantee.

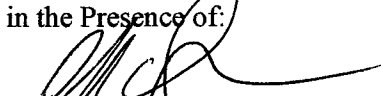
7. All provisions of this Easement, including the benefits and burdens, run with the land and are binding upon and inure to the heirs, assigns, successors, tenants, and personal representatives of the parties hereto.


IN WITNESS WHEREOF, the Grantor has caused this Easement to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers or representatives hereunto duly authorized, as of the day and year first above written.

“GRANTOR”:

Signed, Sealed and Witnessed
in the Presence of:

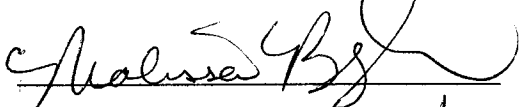
K98, INC.



By: 

Jihad Abuznaid, President

Print Name: Jeff Draughon

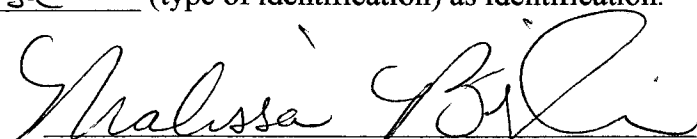


Print Name: Malissa Breighner

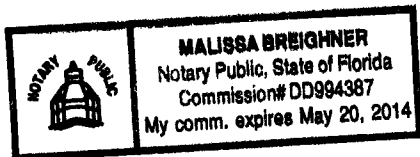
STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 27 day of January, 2011, by JIHAD ABUZNAID, President of K98, Inc. He is personally known to me or who has produced Florida Drivers license (type of identification) as identification.

NOTARY'S SEAL:



NOTARY PUBLIC, STATE OF FLORIDA



(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

“GRANTEE”

Witnesses:

CITY OF POMPANO BEACH

By: _____
LAMAR FISHER, MAYOR

By: _____
DENNIS W. BEACH, CITY MANAGER

Attest:

MARY L. CHAMBERS
CITY CLERK

(SEAL)

Approved by:

GORDON B. LINN
CITY ATTORNEY

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instruments were acknowledged before me this _____ day of _____, 2011 by **LAMAR FISHER** as Mayor, **DENNIS W. BEACH** as City Manager and **MARY CHAMBERS**, City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who are personally known to me.

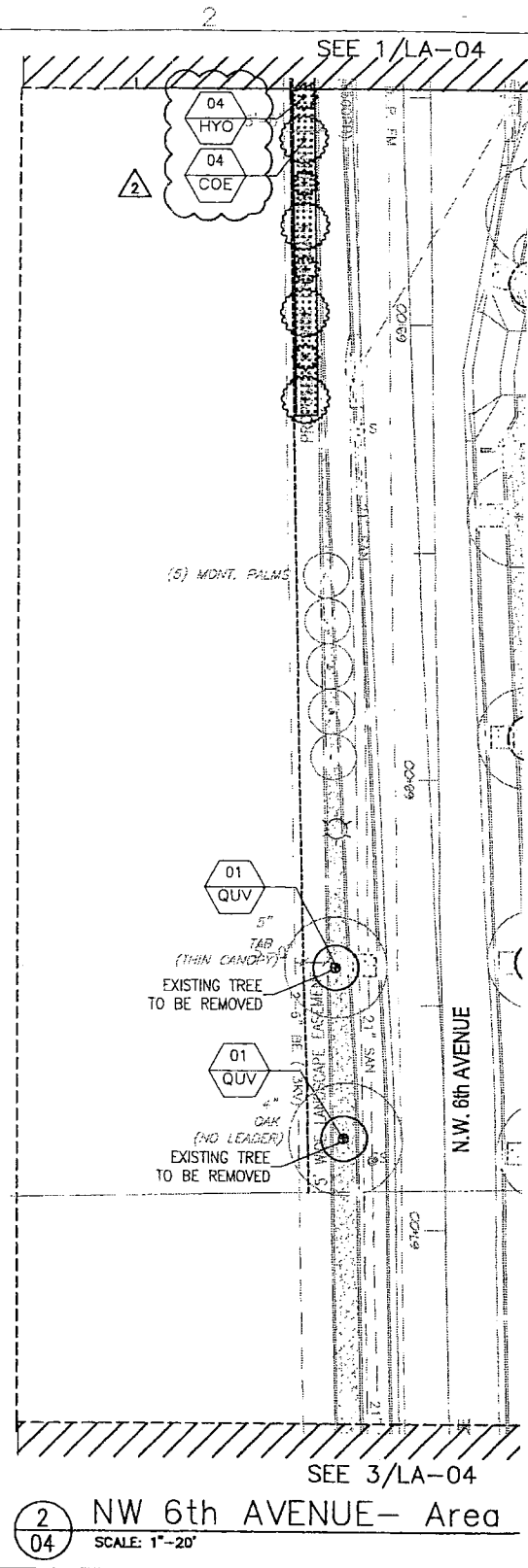
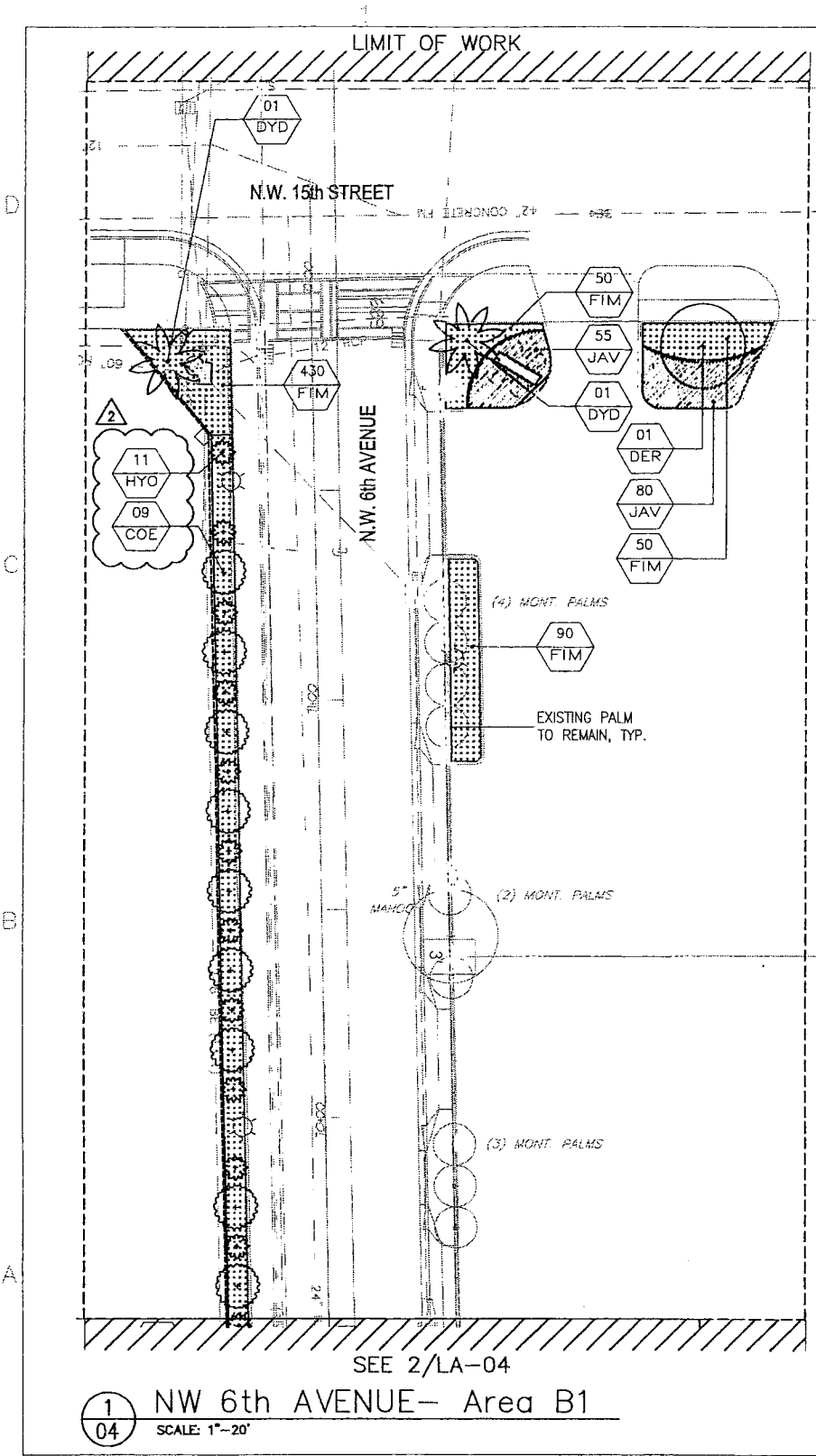
NOTARY’S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

**EXHIBIT A
EASEMENT AREA**



NW 6th STREET &
NW 6th AVENUE
STREETSCAPE



CRA
POMPANO BEACH

CITY OF POMPANO BEACH
100 WEST ATLANTIC BLVD.
POMPANO BEACH, FLORIDA
33060

AECOM

150 NORTH ORANGE AVENUE, SUITE 200
ORLANDO, FLORIDA
32801
TEL 407.843.6552
www.aecom.com



LEGAL DESCRIPTION:

LANDSCAPE EASEMENTS

PORTIONS OF THE NW 1/4, OF THE NE 1/4, OF THE NW 1/4 OF SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 35; THENCE NORTH 88°16'43" EAST ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 35, 153.15 FEET; THENCE SOUTH 01°43'17" EAST, 35.00 FEET TO THE POINT OF BEGINNING AND POINT OF INTERSECTION OF THE EAST 50.00 FOOT RIGHT-OF-WAY OF NORTHWEST 6TH AVENUE AND THE SOUTH 65.00 FOOT RIGHT-OF-WAY OF NORTHWEST 15TH STREET; THENCE NORTH 88°16'43" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 27.25 FEET TO A POINT HEREIN AFTER REFERRED TO AS REFERENCE POINT "A"; THENCE SOUTH 02°34'04" EAST ON A LINE 27.25 FEET EAST OF AND PARALLEL WITH SAID EAST RIGHT OF WAY LINE, 27.25 FEET; THENCE SOUTH 88°16'43" WEST ON A LINE 27.25 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH RIGHT-OF-WAY LINE, 27.25 FEET TO SAID EAST RIGHT-OF-WAY LINE AND A POINT HEREINAFTER REFERRED TO AS REFERENCE POINT "B"; THENCE NORTH 02°34'04" WEST ON SAID EAST RIGHT-OF-WAY LINE, 27.25 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 743 SQUARE FEET, MORE OR LESS.

TOGETHER WITH:

COMMENCING AT SAID REFERENCE POINT "A"; THENCE NORTH 88°16'43" EAST ON THE SOUTH RIGHT-OF-WAY LINE OF NORTHWEST 15TH STREET, 33.40 FEET TO POINT OF BEGINNING II; THENCE CONTINUING NORTH 88°16'43" EAST ALONG SAID RIGHT-OF-WAY LINE, 38.50 FEET; THENCE SOUTH 01°43'17" EAST, 19.25 FEET; THENCE SOUTH 88°16'43" WEST ON A LINE 19.25 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH RIGHT-OF-WAY LINE, 38.50 FEET; THENCE NORTH 01°43'17" WEST, 19.25 FEET TO SAID SOUTH RIGHT-OF-WAY LINE AND THE POINT OF BEGINNING. SAID PARCEL CONTAINING 741 SQUARE FEET, MORE OR LESS.

TOGETHER WITH:

COMMENCING AT SAID REFERENCE POINT "B"; THENCE SOUTH 02°34'04" EAST ON THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 6TH AVENUE, 26.50 FEET TO POINT OF BEGINNING III; THENCE NORTH 87°25'56" EAST, 17.00 FEET; THENCE SOUTH 02°34'04" EAST ON A LINE 17.00 FEET EAST OF AND PARALLEL WITH THE SAID EAST RIGHT-OF-WAY LINE, 45.50 FEET; THENCE SOUTH 87°25'56" WEST, 17.00 FEET TO SAID EAST RIGHT-OF-WAY LINE; THENCE NORTH 02°34'04" WEST ON SAID EAST RIGHT-OF-WAY LINE, 45.50 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 774 SQUARE FEET, MORE OR LESS.

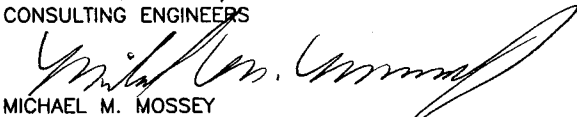
SURVEY NOTES:

1. THE LEGAL DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
2. KEITH AND ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION NUMBER IS L.B.#6860.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. IT IS A VIOLATION OF RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE TO ALTER THIS SKETCH AND DESCRIPTION WITHOUT THE EXPRESSED PRIOR WRITTEN CONSENT OF THE SURVEYOR. ADDITIONS AND DELETIONS MADE TO THE FACE OF THIS SKETCH AND DESCRIPTION WILL MAKE THIS DOCUMENT INVALID.
5. THIS SKETCH AND DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY.
6. BEARINGS SHOWN HEREON ARE ASSUMED WITH A REFERENCE BEARING OF NORTH 88°16'43" EAST ALONG THE NORTH LINE OF THE NW 1/4 OF SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST.
7. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
8. THE INTENDED DISPLAY SCALE FOR THIS SURVEY IS 1"= 40' OR SMALLER.

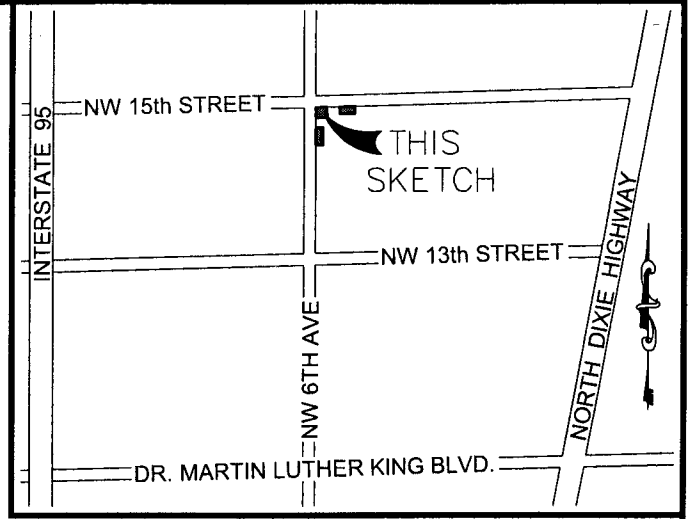
CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH & DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS DEPICTED TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THE INFORMATION AS SURVEYED UNDER MY DIRECTION ON APRIL 01, 2011 MEETS THE MINIMUM TECHNICAL STANDARDS 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, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

KEITH & ASSOCIATES, INC.
CONSULTING ENGINEERS



MICHAEL M. MOSSEY
PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION No. 5660
STATE OF FLORIDA



LOCATION MAP:
NOT TO SCALE

SKETCH & DESCRIPTION

LANDSCAPE EASEMENTS
A PORTION OF THE NW 1/4 OF
THE NE 1/4 OF THE NW 1/4
OF SECTION 35, TOWNSHIP 48 S,
RANGE 42 E
CITY OF POMPANO BEACH
BROWARD COUNTY FLORIDA

KEITH & ASSOCIATES, INC.
consulting engineers
301 EAST ATLANTIC BOULEVARD
POMPANO BEACH, FLORIDA 33060-6643
(954) 788-3400 FAX (954) 788-3500
EMAIL: mail@keith-associate.com LB NO. 6860

SHEET 1 OF 2
DRAWING NO. 07470.52-LSE.dwg

DATE 04/01/11

SCALE 1"=40'

FIELD BK. N/A

DWNG. BY D.D.B.

CHK. BY M.M.M.

DATE	REVISIONS

BLOCK 3
SANDERS PARK
P.B. 31,
PG. 49, B.C.R.

BLOCK 2
SANDERS PARK
P.B. 31, PG. 49, B.C.R.

N.W. 15th STREET

(BEARING BASIS)
N88°16'43"E 153.15'

NORTH LINE OF THE NW 1/4,
OF SECTION 35-48-42

P.O.C.
NW CORNER OF THE NW 1/4,
NE 1/4, NW 1/4 OF SECTION
35-48-42

P.O.B. I
N88°16'43"E
27.25'

REFERENCE
POINT "A"
N88°16'43"E
33.40'

N88°16'43"E
38.50'

P.O.B. II
S88°16'43"W
38.50'

REFERENCE
POINT "B"

S88°16'43"W
27.25'

P.O.B. III
N87°25'56"E
17.00'

ACREAGE
NW 1/4 OF SECTION
35-48-42

N.W. 6th AVENUE

ACREAGE
NW 1/4 OF SECTION 35-48-42
PER O.R.B. 46541, PG. 1541, B.C.R.

ACREAGE
NW 1/4 OF SECTION
35-48-42

N02°34'04"W 45.50'
S02°34'04"E 45.50'

S87°25'56"W
17.00'

150.00'

150.00'

25.00' 25.00'

ACREAGE
NW 1/4 OF SECTION
35-48-42

LEGEND:

- | | | | |
|--------|------------------------|--------|------------------------------|
| B.C.R. | BROWARD COUNTY RECORDS | P.O.B. | POINT OF BEGINNING |
| O.R.B. | OFFICIAL RECORDS BOOK | P.O.C. | POINT OF COMMENCEMENT |
| P.B. | PLAT BOOK | LB | LICENSED BUSINESS CENTERLINE |
| PG. | PAGE | ☉ | |

SCALE: 1"=40'

SKETCH & DESCRIPTION

LANDSCAPE EASEMENTS
A PORTION OF THE NW 1/4 OF
THE NE 1/4 OF THE NW 1/4
OF SECTION 35, TOWNSHIP 48 S,
RANGE 42 E
CITY OF POMPANO BEACH
BROWARD COUNTY FLORIDA

KEITH
& ASSOCIATES, INC.
consulting engineers
301 EAST ATLANTIC BOULEVARD
POMPANO BEACH, FLORIDA 33060-6643
(954) 788-3400 FAX (954) 788-3500
EMAIL: mail@keith-associates.com LB NO. 6860

SHEET 2 OF 2
DRAWING NO. 07470.52-LSE.dwg

DATE 04/01/11
SCALE 1"=40'
FIELD BK. N/A
DWNG. BY D.D.B.
CHK. BY M.M.M.

DATE	REVISIONS