Town Council Agenda Report

SUBJECT: Ordinance

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING AN EASEMENT FROM CYNTHIA MARIE LAWSON, AN UNMARRIED WOMAN, CONVEYING INTEREST IN CERTAIN PROPERTY FOR USE AS A UTILITY EASEMENT AND PROVIDING AN EFFECTIVE DATE

REPORT IN BRIEF:

The Town is working together with Howard Zimmerman to develop a right turn/deceleration storage lane on Orange Drive and Hiatus Road. This project is required as a traffic concurrency mitigation project and is funded by the developer of Imagination Farms. The attached conveyance provides utility easement for relocation of public utilities within this area to facilitate construction.

PREVIOUS ACTIONS:

N/A

CONCURRENCES:

N/A

FISCAL IMPACT:

Has request been budgeted? N/A

RECOMMENDATION(S):

Motion to Approve

Attachment(s):

Ordinance
Utility Easement
Site Location Map
Site Location Aerial

Item No.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING AN EASEMENT FROM CYNTHIA MARIE LAWSON, AN UNMARRIED WOMAN, CONVEYING INTEREST IN CERTAIN PROPERTY FOR USE AS A UTILITY EASEMENT AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Cynthia Marie Lawson, an unmarried woman, wishes to convey interest in land for public utilities, and in furtherance thereof has tendered a Utility Easement, attached hereto as "Exhibit A", to the Town of Davie.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The grants of easement conveyed by the document attached hereto as "Exhibit A", is hereby accepted by the Town of Davie.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS_____DAY OF_____, 1999

PASSED ON SECOND READING THIS_____DAY OF_____, 2000

_____
MAYOR/COUNCILMEMBER

ATTEST:

_____
TOWN CLERK

APPROVED THIS _____ DAY OF _____ , 2000

UTILITY EASEMENT

Prepared by: Robert Rawls
Return to: Town of Davie
Town Clerk's Office
6591 Orange Drive
Davie FL 33314

Owners: Cynthia Marie Lawson whose post office address is 11101 Orange Drive, Davie, Florida 33328.

The undersigned, in consideration of the payment of $1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and dedicate to the Town of Davie, whose post office address is 6591 Orange Drive, Davie, Florida 33314, a non-exclusive public utility easement forever for the construction, operation and maintenance of overhead and underground public utility facilities (including, but not limited to wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right for public utilities, their licenses, agents, successors and assigns, to reconstruct, improve, add to, enlarge, change the voltage and cable, as well as the size of and remove such facilities or any of them within an easement described in Exhibit "A" attached hereto and made a part hereof.

Together with the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and of other obstructions within the easement area, to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution. Construction of all utility facilities within the easement property shall be performed and paid for by the Utility performing the construction or parties other than the Owner (Grantor/First Party). All facilities and property within the easement parcel shall be maintained at the sole expense of the Town of Davie. Grantor shall have no maintenance obligation within the easement property. Grantor reserves the right to cross the easement parcel with driveways or other access facilities for ingress and egress as to her adjacent parcel. Any such improvements by the property owner are subject to all appropriate regulatory approvals.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on the 2nd day of Sept., 1999.

Signed, sealed and delivered
in the presence of:

(Witness' Signature)
Print Name: Steve Ginestra
(Witness)

(Witness' Signature)
Print Name: Ruth McGlynn
(Witness)

By: _____
(Grantor's Signature)
Print Name: Cynthia Marie Lawson
Print Address: 11101 Orange Drive
Davie, Florida 33328

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 2nd day of September, 1999, by CYNTHIA MARIE LAWSON who is personally known to me or has produced _____ as identification, and who did (~~did not~~) take an oath.

My Commission Expires:

OFFICIAL NOTARY SEAL
RUTH BALLAST
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC495462
MY COMMISSION EXP. SEPT 13,1999

Notary Public, Signature
Print Name Ruth Ballast

CONSENT OF MORTGAGEE

The undersigned Mortgagee, owner and holder of that certain mortgage dated the 12th day of December, 1997, and recorded in Broward County, Florida in Official Records Book 27466 at Page 676, in favor of American Bank of Hollywood, a Florida banking corporation, does hereby agree and consent to the terms of this Utility Easement.

Signed, sealed and delivered in the presence of:

(Witness' Signature)
Print Name: Reese A Jamison IV
(Witness)

(Witness' Signature)
Print Name: JOAN E. HABER
(Witness)

WACHOVIA BANK, N.A., a national banking corporation, successor by merger to American Bank of Hollywood, a Florida banking corporation

By: Carolyn Brewer, VP
Signature: Carolyn Brewer, Vice President-Financial Advisor
Print Name & Title:
Print Address: 980 North Federal Highway
Boca Raton, FL 33432

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 1st day of October, 1999, by Carolyn Brewer, as Vice President-*, of WACHOVIA BANK, N.A., a national banking corporation, as successor by merger to American Bank of Hollywood, a Florida banking corporation, who is personally known to me or has produced _____ as identification, and who did (did not) take an oath.

My Commission Expires:

Notary Public, Signature
Print Name

*Financial Advisor

LANA ROSENZWEIG
MY COMMISSION # CC 60628
EXPIRES: February 18, 2001
Bonded Thru Notary Public Underwriters

EXHIBIT "A" to Utility Easement

DESCRIPTION :

A PORTION OF BLOCK 3, "MARTHA BRIGHT FARMS", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID BLOCK 3; THENCE ALONG SAID SOUTH LINE NORTH 88°29'02" EAST (ASSUMED BEARING) 67.52 FEET TO THE POINT OF BEGINNING; THENCE NORTH 28°29'02" EAST 30.04 FEET; THENCE SOUTH 88°48'29" EAST 206.17 FEET; THENCE SOUTH 87°20'13" EAST 223.27 FEET TO SAID SOUTH LINE; THENCE ALONG SAID SOUTH LINE SOUTH 88°29'02" WEST 62.33 FEET; THENCE NORTH 87°20'13" WEST 141.08 FEET; THENCE NORTH 88°48'29" WEST 203.43 FEET; THENCE SOUTH 28°29'02" WEST 22.92 FEET TO SAID SOUTH LINE; THENCE ALONG SAID SOUTH LINE SOUTH 88°29'02" WEST 6.93 FEET TO THE POINT OF BEGINNING.

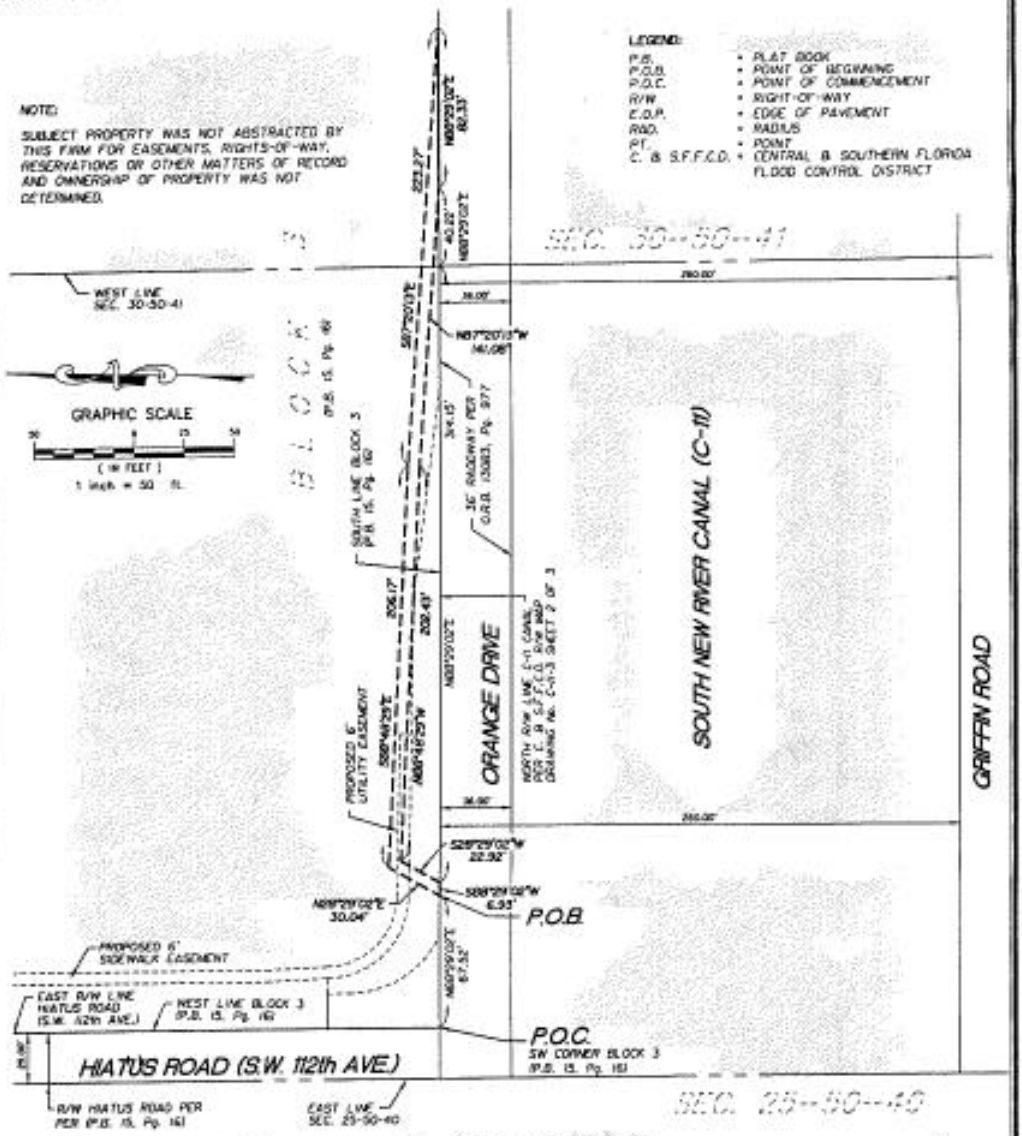
SAID LANDS SITUATE, LYING, AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA AND CONTAINING 12,477 SQUARE FEET 10.0569 ACRES MORE OR LESS.

NOTE:

SUBJECT PROPERTY WAS NOT ABSTRACTED BY THIS FIRM FOR EASEMENTS, RIGHTS-OF-WAY, RESERVATIONS OR OTHER MATTERS OF RECORD AND OWNERSHIP OF PROPERTY WAS NOT DETERMINED.

LEGEND:

P.B.	= PLAT BOOK
P.O.B.	= POINT OF BEGINNING
P.O.C.	= POINT OF COMMENCEMENT
R/W	= RIGHT-OF-WAY
E.O.P.	= EDGE OF PAVEMENT
RAD.	= RADIUS
PT.	= POINT
C. & S.F.F.C.D.	= CENTRAL & SOUTHERN FLORIDA FLOOD CONTROL DISTRICT



SKETCH & DESCRIPTION

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

11/26/08	ADD ACREAGE	GDG	
8/28/08	REVISE CERTIFICATION	GDG	JAB
DATE	REVISIONS	DRW	CHK

DRAWN BY: GDG CHECKED BY: JAB

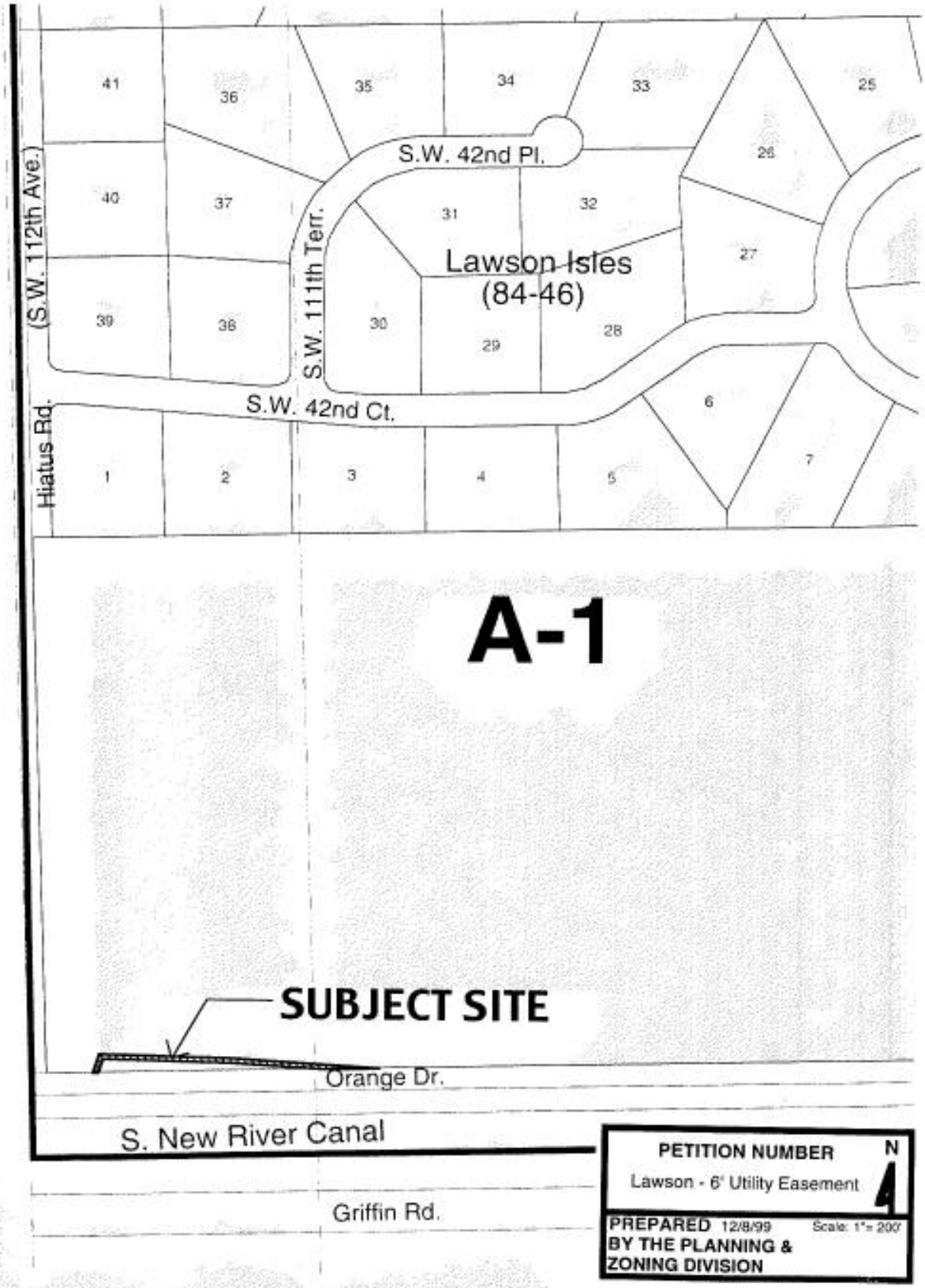
CERTIFIED TO:
CYNTHIA MARIE LAWSON, AMERICAN BANK OF HOLLYWOOD, IT'S SUCCESSORS AND OR ASSIGNS, TOWN OF DAVIE

MILLER LEGG
ENGINEERS • PLANNERS
LAND SURVEYORS
ENVIRONMENTAL PROFESSIONALS
1800 N. DOUGLAS ROAD, SUITE 200
PEMBROKE PINES, FLORIDA 33024
(954)436-7000 FAX (954)437-2958
CERT. OF AUTHORIZATION L.B. 6860

I HEREBY CERTIFY THAT THIS SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.
DATED THIS 2nd DAY OF FEBRUARY, 2009 A.D.

WILLIAM M. LYNCH
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA REGISTRATION No. 4056
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

PROJECT NO. 5588-06.569 FILE NO. 10-1C-252

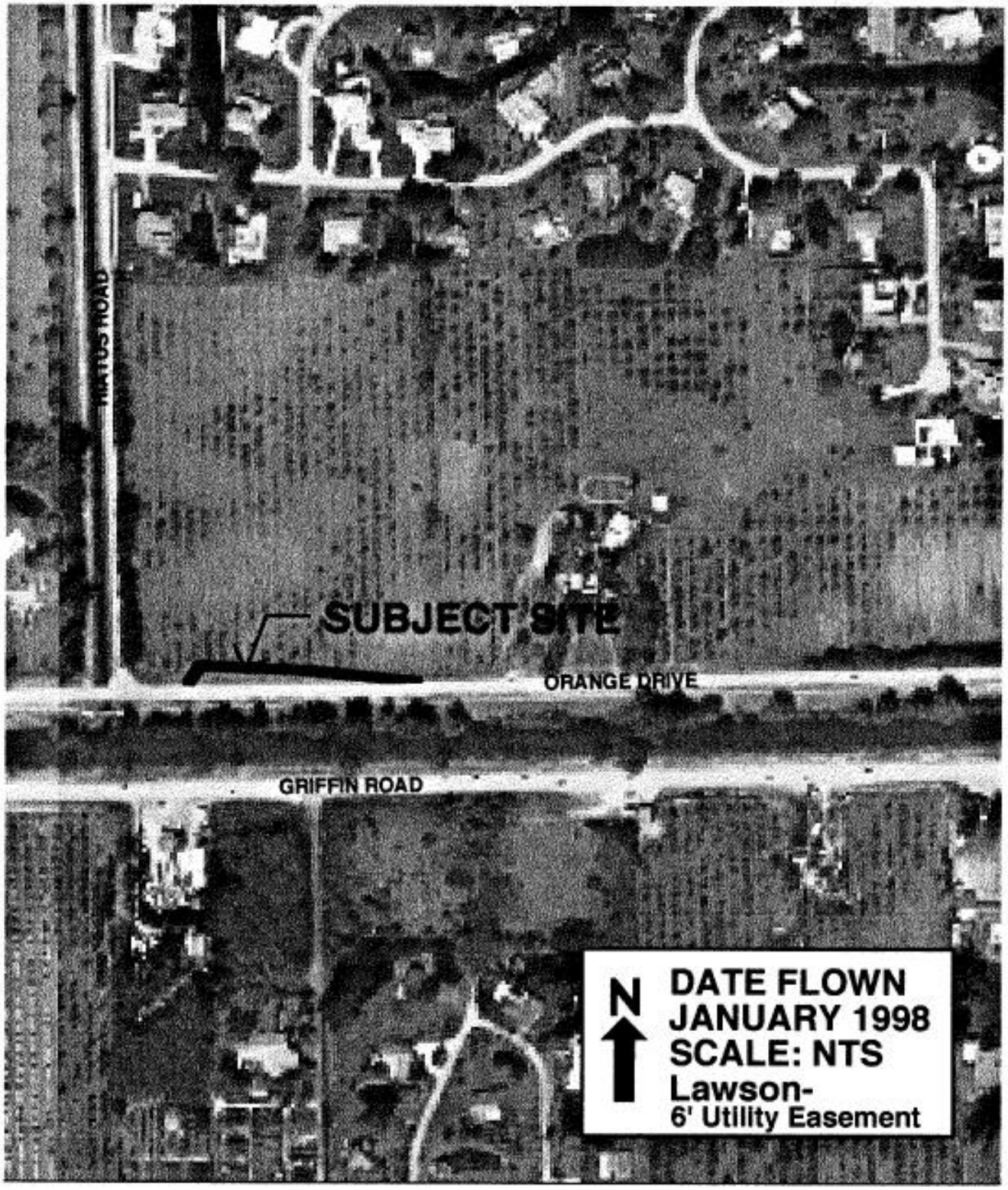


PETITION NUMBER N

Lawson - 6' Utility Easement 4

PREPARED 12/8/99 Scale: 1"= 200'

BY THE PLANNING & ZONING DIVISION


MATTOS ROAD
SUBJECT SITE
ORANGE DRIVE
GRIFFIN ROAD
N
DATE FLOWN
JANUARY 1998
SCALE: NTS
Lawson-
6' Utility Easement