

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101
Prepared by Dwight H. Moore, Engineer II.

SUBJECT: Resolution to accept drainage easement from Theodore and Terry Falco of #4010 Hiatus Road, Davie FL.

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TO ACCEPT DRAINAGE EASEMENT, FOR THE INSTALLATION OF A DRAINAGE SYSTEM.

REPORT IN BRIEF: The granting of easement, approximately 1900 square feet (190' x 10') at the above mentioned address, to the Town of Davie, for the purpose of installing a drainage system, to help alleviate the flooding problems, now experience by the residents in and around that area.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: None

RECOMMENDATION: Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachments: Resolution, Subject Site and Aerial Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TO ACCEPT DRAINAGE EASEMENT.

WHEREAS, the area known as Hiatus Isles has experienced flooding/drainage problems, and

WHEREAS, the Town of Davie wishes to address and improve said flooding/drainage conditions, and

WHEREAS, the Owner of the property located at #4010 Hiatus Rd., agree to grant the Town of Davie a 10' x 190' easement for the construction of a drainage system.

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

SECTION 1. The Town Council of the Town of Davie does hereby agree to accept the drainage easement. The easement being specifically describe on the legal description attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2003.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003.

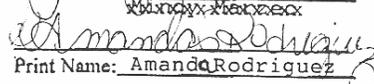
This Document prepared by:
Town of Davie Engineering Dept.
6591 Orange Drive
Davie, Florida 33314

Return to:
Town of Davie Administrative Services
6591 Orange Drive
Davie, Florida 33314

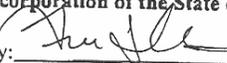
Consent (By Mortgagee) to Drainage Easement

COUNTRYWIDE HOME LOANS, INC. d/b/a AMERICA'S WHOLESALE LENDER, whose address is 5898 Condor Drive MP-88A, Moorpark, CA 93021, the owner and holder of a mortgage dated March 22, 2002, and recorded in Official Records Book 33012, page 462 of the Public Records of Broward County, Florida, encumbering the lands more particularly described therein, consents to the grant of that certain Drainage Easement by Theodore A. Falco and Terry E. Falco, whose address is 4010 Hiatus Road, Davie, Florida 33330, in favor of the Town of Davie dated _____, and recorded in Official Records Book _____, Page _____, of the Public Records of Broward County, Florida, but such consent is without recourse or warranty by COUNTRYWIDE, and without COUNTRYWIDE assuming any of the obligations of the Grantor of said Easement. This consent shall not, in any way, effect the lien and operation of the Mortgage, and COUNTRYWIDE reserves all rights and remedies granted to it under the Mortgage.

Witnesses:


Print Name: James Jackson
~~Wanda Martinez~~

Print Name: Amanda Rodriguez

COUNTRYWIDE HOME LOANS, INC., d/b/a
AMERICA'S WHOLESALE LENDER
a corporation of the State of New York

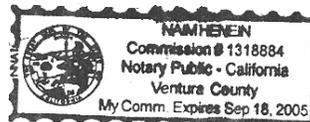
By: 
Terri Stallings, its Vice
President

STATE OF CALIFORNIA
COUNTY OF VENTURA

I HEREBY CERTIFY that on this day before me, an officer duly authorized to take acknowledgments, personally appeared Terri Stallings of COUNTRYWIDE, well known to me to be the person named in the foregoing instrument, that he/she acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily and that he/she is personally known to me or has produced _____ as identification, and he/she did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 7th day of April, 2003.

Notary Public 
Print Name: Naim Henein
My Commission Expires: 9/18/2005



This document prepared by:
Town of Davie Engineering Div.
6591 Orange Drive
Davie, Florida 33314-3399

Return to:
Town of Davie Administrative Services
6591 Orange Drive
Davie, Florida 33314-3399

Drainage Easement

This drainage easement executed this 5th FEBRUARY [date], 2005 by Theodore A. Falco and Terry E. Falco, his wife, (Grantors) whose address is 4010 Hiatus Road, Davie, Florida 33330 in which Grantors convey to the Town of Davie, Florida, municipal corporation, located in Broward County, Florida [Grantee] a drainage easement.

Grantors warrant that Grantors are the fee owners of certain real estate situated in the Town of Davie, County of Broward, State of Florida, which is legally described in Exhibit A attached hereto and incorporated herein by reference, referred to hereinafter as the "easement premises"; and

Grantors hereto have determined that it is in Grantors best interests for the grantors to grant the Town of Davie an easement in and along the easement premises for drainage purposes:

Therefore, in consideration of the foregoing:

1. The grantors hereby grant and convey to the Town of Davie a perpetual drainage easement (which can be over, under and across the easement premises), including the right to ingress and egress to the easement, for construction, reconstruction, alteration, maintenance and repair (to the extent the Town of Davie considers desirable) of pipes, manholes, catch basins, and other necessary or desirable appurtenances to and/or for a drainage system and/or drainage facilities, the easement premises being described as follows which are located in Broward County, Florida:

Exhibit A – easement premises legal description

2. All rights, title and privileges to the easement herein granted shall run with the land and shall be binding upon Grantors and all persons claiming by, through or under Grantors and inure to the benefit of the Town of Davie, Florida, its successors and assigns. Grantor will defend the title to said easement against all persons claiming by, through or under Grantor.

4341 S.W. 62nd Avenue
Davie, Florida 33314



STONER & ASSOCIATES, Inc.

SURVEYORS • PLANNERS
LB. 6633

Tel. (954) 585-0997
Fax (954) 585-3927

**LEGAL DESCRIPTION OF A 10 FOOT WIDE DRAINAGE EASEMENT
A PORTION OF BLOCK 3, MARTHA BRIGHT FARMS
TOWN OF DAVIE, BROWARD COUNTY, FLORIDA**

LEGAL DESCRIPTION:

THE NORTH 10 FEET OF THE FOLLOWING DESCRIBED PARCEL

A PORTION OF BLOCK THREE (3) MARTHA BRIGHT FARMS AS RECORDED IN PLAT BOOK 15, PAGE 15 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE FULLY DESCRIBED AS:

COMMENCING AT THE NW CORNER OF THE NORTH 990.00 FEET OF THE SOUTH 2655.2 FEET OF THE WEST 1103.68 FEET OF BLOCK THREE (3) MARTHA BRIGHT FARMS;

THENCE DUE EAST, A DISTANCE OF 30.0 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE SOUTH 0°16'00" EAST, A DISTANCE OF 191.50 FEET;

THENCE DUE EAST, A DISTANCE OF 181.0 FEET;

THENCE NORTH 5°36'32" EAST, A DISTANCE OF 87.92 FEET;

THENCE NORTH 0°16'00" WEST, A DISTANCE OF 104.0 FEET;

THENCE DUE WEST, A DISTANCE OF 190.0 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

A/K/A LOT 24 OF HIATUS ISLES SECTION 2, UNRECORDED.

SURVEY NOTES:

1. THE LANDS SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD BY STONER & ASSOCIATES, INC.
2. THE BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF NORTH, ALONG THE CENTERLINE OF SW 101ST AVENUE.
3. THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY. (THIS IS NOT A SURVEY).
4. THIS SKETCH WAS PREPARED BY THIS FIRM WITHOUT THE BENEFIT OF A TITLE SEARCH. THE LEGAL DESCRIPTION OF THE PROPERTY SHOWN HEREON WAS PROVIDED BY THE CLIENT. THE SURVEYOR WAS NOT ABLE TO OBTAIN A COPY OF THE UNRECORDED PLAT OF HIATUS ISLES AND THIS SKETCH WAS MADE WITHOUT THE BENEFIT OF SAID PLAT.

CERTIFICATE:

THIS IS TO CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.07, FLORIDA STATUTES.

REVISIONS	DATE	BY

JAVIER DE LA ROCHA *Javier De La Rocha*
PROFESSIONAL SURVEYOR AND MAPPER NO. 6080 - STATE OF FLORIDA

SEAL

NOT VALID UNLESS
SEALED HERE WITH
AN EMBOSSED
SURVEYOR'S SEAL

02-0241

