DEVELOPMENT SERVICES DEPARTMENT
Planning & Zoning 954-797-1103
Building & Occupational Licensing 954-797-1111
Code Enforcement 954-797-1121
Engineering 954 797-1113

TOWN OF DAVIE 6591 ORANGE DRIVE, DAVIE, FLORIDA 33314-3399

MEMORANDUM
ENG 10-25-04

TO: Russell Muniz, Town Clerk

FROM: Larry A. Peters, P.E., Town Engineer

THROUGH: Mark A. Kutney, AICP, Development Services Director

DATE: October 25, 2004

RE: LaCroix and Buitrago Resolutions

This is to serve as a request to withdraw items 4.9 and 4.10 from the November 3, 2004 agenda until the fully executed documents are received.

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director
Prepared by: Larry A. Peters, P.E., Town Engineer (954) 797-1113

SUBJECT: Ordinance

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM:
A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING CERTAIN EASEMENTS FROM WARREN JOHN LACROIX, PROPERTY OWNER; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:
The Town Engineering Staff has determined that it is necessary for the benefit of the residents of the Town that certain drainage improvements be constructed. In order to accomplish this goal, the Town Staff has obtained from property owner, Warren John LaCroix, the necessary drainage easement needed by the Town for the improvements. Copies of the drainage easements are attached to the accompanying Resolution and Town Council approval is necessary for the Town to accept from Mr. LaCroix the needed drainage easement and to authorize the recordation of same in the Public Records of Broward County, Florida

PREVIOUS ACTIONS: None

CONCURRENCES: Reviewed by Town Attorney on August 18, 2004.

FISCAL IMPACT: Not Applicable

RECOMMENDATION(S):
The Town Engineering Division recommends that the Town Council approve the attached Resolution and authorize acceptance of the drainage easement and authorize recording of same in the Public Records of Broward County, Florida

Attachment(s): Resolution and drainage easement

RESOLUTION R-2004- _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING CERTAIN DRAINAGE EASEMENT FROM PROPERTY OWNER WARREN JOHN LACROIX; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Davie recognizes the need to construct and maintain certain drainage improvements located within the Town Limits' and

WHEREAS, it has been determined that such improvements will be a benefit to the Town and its residents; and

WHEREAS, the Town is in need of obtaining certain drainage easement from property owner, Warren John LaCroix, in order to accomplish these needed improvements; and

WHEREAS, the Town has received from property owner, Warren John LaCroix, the necessary drainage easement, copies of which are attached hereto, which will enable the construction of the needed drainage improvements.

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, Florida does hereby authorize the Town to accept from the property owner the attached drainage easement and to record same in the Public Records of Broward County, Florida.

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

PASSED AND ADOPTED THIS _____ DAY OF_____ , 2004.

_____
MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____ , 2004.

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 _____[date], 20___ by **Warren John LaCroix**, (Grantors) whose address is **15100 SW 26 Street, Davie, Florida 33326** in which Grantors swear that Grantors are the legal owners of the referenced property and 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.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals to this Drainage Easement this _____ day of _____, 20___.

WITNESSES:

_____

Print Name:_____

_____

Print Name:_____

GRANTORS:

_____

Grantor: **Warren J. LaCroix**

_____

Grantor:

STATE OF FLORIDA :
SS:
COUNTY OF BROWARD :

The foregoing instrument was acknowledged before me this _____ day of _____, 20___, by **John LaCroix** who are personally known to me or have produced _____ as identification and who did/did not take an oath.

_____
Notary Public

_____
Printed Name of Notary

My Commission Expires:

WITNESSES:

_____

Print Name:_____

_____

Print Name:_____

GRANTEE:

_____

Print Name:_____

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

Consent (by Mortgagee) to Drainage Easement

_____whose address is _____ _____, the owner and holder of a mortgage dated _____, and recorded in Official Records Book _____at Page _____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 **Warren John LaCroix,** whose mailing address is **15100 SW 26 Street, Davie, Florida 33326** in favor of the Town of Davie dated _____ and recorded on _____ [date] in Official Records Book _____, at Page _____, of the Public Records of Broward County, Florida, but such consent is without recourse or warranty by_____, and without_____ _____, assuming any of the obligations of the Grantor of said Easement. This consent shall not, in any way, affect the lien and operation of the Mortgage, and _____, reserves all rights and remedies granted to it under the Mortgage.

WITNESSES:

_____ BY: _____

Print Name: _____ _____, it's _____ President

_____

Print Name: _____

STATE OF _____ :
SS:
COUNTY OF _____ :

I HEREBY CERTIFY that on this day before me, an officer duly authorized to take acknowledgments, personally appeared _____, _____ President of_____, well known to me to be the person named in the foregoing instrument, that he/she acknowledged executing 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 who did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 20___.

_____
Notary Public

_____
Printed Name of Notary
My Commission Expires:

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

Consent (by Mortgagee) to Drainage Easement

_____, a _____ corporation of the State of _____ whose address is _____, the owner and holder of a mortgage dated _____, and recorded in Official Records Book _____at Page ____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 **Warren John LaCroix,** whose mailing address is **15100 SW 26 Street, Davie, Florida 33326** in favor of the Town of Davie dated _____ and recorded on _____ [date] in Official Records Book _____, at Page _____, of the Public Records of Broward County, Florida, but such consent is without recourse or warranty by_____, and without _____assuming any of the obligations of the Grantor of said Easement. This consent shall not, in any way, affect the lien and operation of the Mortgage, and _____reserves all rights and remedies granted to it under the Mortgage.

WITNESSES:

_____,
a _____ corporation of the State of _____

_____

BY: _____

Print Name: _____

_____, it's _____

_____

Print Name: _____

STATE OF _____ :
SS:
COUNTY OF _____ :

I HEREBY CERTIFY that on this day before me, an officer duly authorized to take acknowledgments, personally appeared _____, _____ of _____ _____well known to me to be the person named in the foregoing instrument, that he/she acknowledged executing 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 who did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 20___.

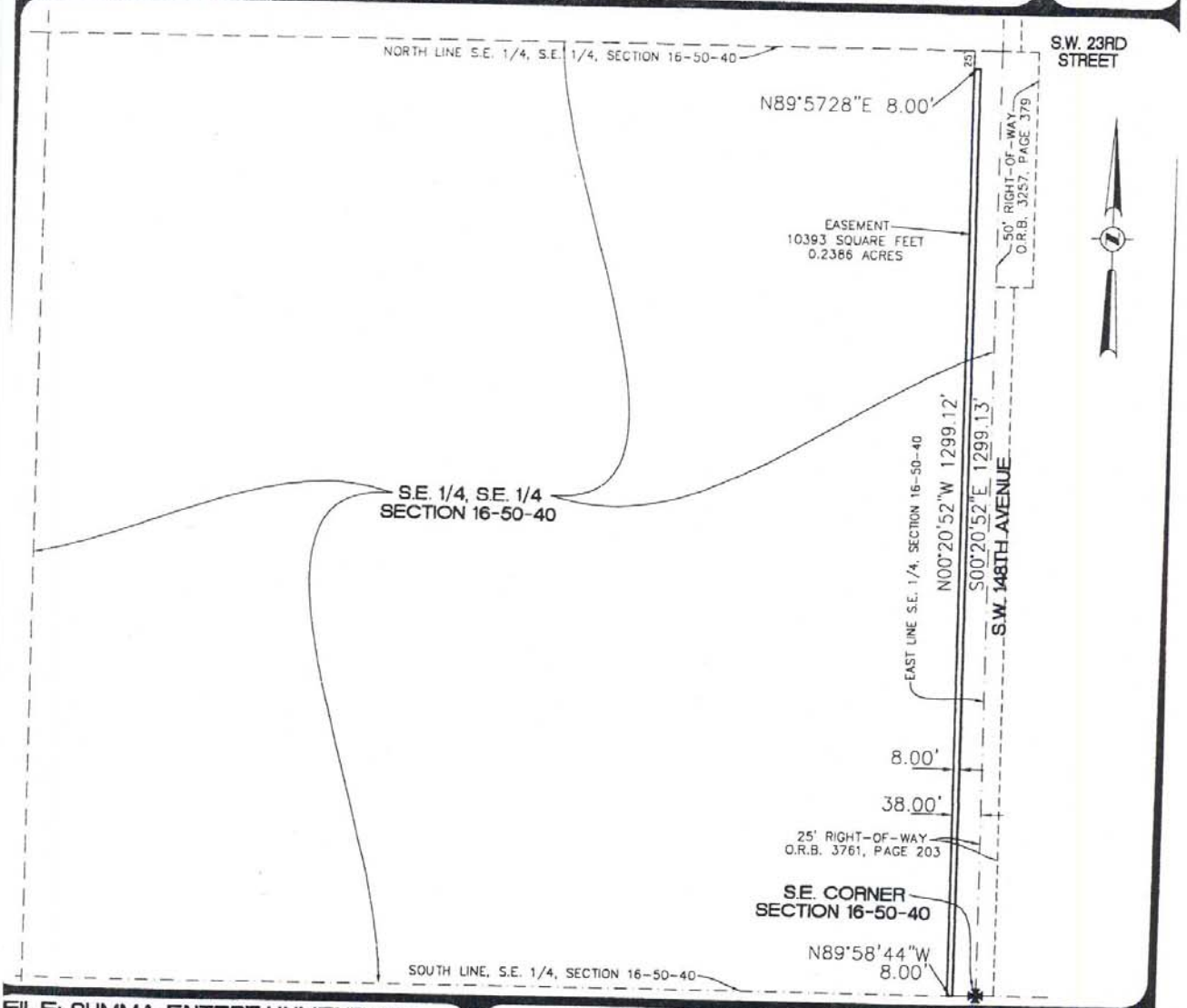
_____
Notary Public

_____
Printed Name of Notary
My Commission Expires:

SKETCH AND LEGAL DESCRIPTION
BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION #LB3870



FILE: SUMMA ENTERTAINMENT INC.
SCALE: 1"=200'
ORDER NO.: 45859A
DATE: 06/29/04
SOUTHWEST 148TH AVENUE
DAVIE, BROWARD COUNTY, FLORIDA
FOR: LIVING WATERS

SHEET ONE OF TWO SHEETS

John F. Pulice, Reg. Land Surveyor #2691
Beth Burns, Reg. Land Surveyor #6136
State of Florida

SKETCH AND LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION #LB3870

LEGAL DESCRIPTION: EASEMENT

THE WEST 8.00 FEET OF THE EAST 38.00 FEET OF THE SOUTHEAST ONE QUARTER OF THE SOUTHEAST ONE QUARTER OF SECTION 16, TOWNSHIP 50 SOUTH, RANGE 40 EAST, BROWARD COUNTY, FLORIDA, LESS THEREFROM THE NORTH 25.00 FEET THEREOF.
CONTAINING 10,393 SQUARE FEET, 0.2386 ACRES.

NOTES:

1) BEARINGS ARE BASED ON THE EAST LINE OF THE S.E. 1/4 OF SECTION 16 BEING N02°20'52"W.
2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.

FILE: SUMMA ENTERTAINMENT INC.
SCALE: 1"=200'
ORDER NO.: 45859A
DATE: 06/29/04
SOUTHWEST 148TH AVENUE
DAVIE, BROWARD COUNTY, FLORIDA
FOR: LIVING WATERS

SHEET TWO OF TWO SHEETS

John F. Pulice, Reg. Land Surveyor #2691
Beth Burns, Reg. Land Surveyor #6136
State of Florida

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