

# **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:** Resolution

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING CERTAIN EASEMENTS FROM J.J.K. INTERNATIONAL, INC., 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 utility improvements be maintained. In order to accomplish this goal, the Town Staff has obtained from property owner, J.J.K. International, Inc, the necessary utility easements needed by the Town. Copies of the utility easements are attached to the accompanying Resolution and Town Council approval is necessary for the Town to accept from J.J.K. International, Inc. the needed utility easements and to authorize the recordation of same in the Public Records of Broward County, Florida

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** Reviewed by Town Attorney on March 16, 2005

**FISCAL IMPACT:** Not Applicable

**RECOMMENDATION(S):**

The Town Engineering Division recommends that the Town Council approve the attached Resolution and authorize acceptance of the utility easements and authorize recording of same in the Public Records of Broward County, Florida

**Attachment(s):** Resolution, utility easement, sketch of survey and Opinion of Title

RESOLUTION R-2005

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING CERTAIN EASEMENTS FROM J.J.K. INTERNATIONAL, INC., PROPERTY OWNER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Davie recognizes the need to maintain certain utility 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 utility easements from property owner, J.J.K. International, Inc., in order to accomplish the maintenance; and

WHEREAS, the Town has received from property owner, J.J.K. International Inc., the necessary utility easements, copies of which are attached hereto, which will enable the maintenance of the needed utility 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 utility easements 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 \_\_\_\_\_, 2005.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005

RECORD & RETURN TO  
SHAPIRO, BLASI & WASSERMAN, P.A.  
7777 GLADES ROAD, SUITE 200  
DAVIE, FLORIDA 33314

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

INSTR # 104570242  
OR BK 38711 Pages 1550 - 1553  
RECORDED 12/15/04 13:52:50  
BROWARD COUNTY COMMISSION  
DOC STMP-D: \$0.70  
DEPUTY CLERK 2160  
#1, 4 Pages

### Utility Easement

This utility easement executed this December 14 [date], 20<sup>04</sup> -  
J.J.K. International, Inc. (Grantors) whose address is  
6500 SW 49th Street, Davie, FL 33314 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] an utility 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 utility purposes:

Therefore, in consideration of the foregoing:

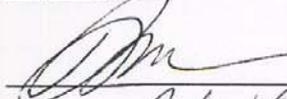
1. The grantors hereby grant and convey to the Town of Davie a perpetual utility easement  
(which can be over, under and across the easement premises), including the right to ingress  
and egress to the easement, for construction, reconstruction, alteration, maintenance and  
repair (to the extent the Town of Davie considers desirable) of pipes and other necessary or  
desirable appurtenances to and/or for a utility system and/or utility 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 Utility Easement this 14 day of December, 2004.

**WITNESSES:**

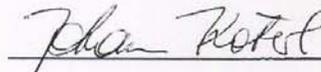
  
\_\_\_\_\_  
Print Name: Andrew B. Blasi

  
\_\_\_\_\_  
Print Name: Andrew B. Blasi

**GRANTORS:**

J.J.K. International, Inc.,  
a Florida corporation

Grantor:

  
\_\_\_\_\_

Grantor: Johann Koeberl, President

STATE OF FLORIDA :  
SS: :  
COUNTY OF BROWARD :

The foregoing instrument was acknowledged before me this 14 day of December, 2004, by Johann Koeberl and President who are personally known to me or have produced FL Div. Lic. as identification and who did/did not take an oath.



Andrew B. Blasi  
Commission #DD256380  
Expires: Oct 25, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

  
\_\_\_\_\_  
Notary Public

Andrew B. Blasi  
\_\_\_\_\_  
Printed Name of Notary

My Commission Expires:

**WITNESSES:**

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

**GRANTEE:**

\_\_\_\_\_  
Print Name: \_\_\_\_\_

W/C TRI-COUNTY FOR: Alto  
PREFERRED TITLE, INC.  
7777 Glades Rd., Ste. 110  
Boca Raton, FL 33434

INSTR # 104589383  
OR BK 38754 Pages 1002 - 1002  
RECORDED 12/22/04 16:36:58  
BROWARD COUNTY COMMISSION  
DEPUTY CLERK 2020  
#2, 1 Pages

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

### Consent (by Mortgagee) to Utility Easement

HOME FEDERAL BANK OF HOLLYWOOD whose address is 900 North Federal Hwy, Hallandale, FL 33009, the owner and holder of a mortgage ~~recorded~~ recorded 05/14/2003, and recorded in Official Records Book 35163 at Page 1329 of the Public Records of Broward County, Florida, encumbering the lands more particularly described therein, consents to the grant of that certain Utility Easement by J.J.K. International, Inc., whose mailing address is 6500 SW 49 St, Davie, FL 33314 in favor of the Town of Davie dated December 14, 2004 and recorded on 12/15/2004 [date] in Official Records Book 38711, at Page 1554, of the Public Records of Broward County, Florida, but such consent is without recourse or warranty by Home Federal Bank of Hollywood and without Home Federal Bank of Hollywood 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 Home Federal Bank of Hollywood, reserves all rights and remedies granted to it under the Mortgage.

**WITNESSES:**

Debbie Dooler  
Print Name: Debbie Dooler

BY: HOME FEDERAL BANK OF HOLLYWOOD  
[Signature], it's President

Linda Keating  
Print Name: LINDA KEATING

STATE OF Florida :  
COUNTY OF Broward SS:

I HEREBY CERTIFY that on this day before me, an officer duly authorized to take acknowledgments, personally appeared GUY LAZZARI, President of Home Federal Bank of Hollywood, 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 [Signature] as identification and who did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 16 day of December, 2004.

Linda Keating  
Notary Public

LINDA KEATING  
Printed Name of Notary  
My Commission Expires:



This document prepared by:

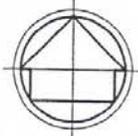
**COUSINS SURVEYORS & ASSOCIATES, INC.**



6501 ORANGE DRIVE  
 DAVIE, FLORIDA 33314  
 CERTIFICATE OF AUTHORIZATION : LB # 6448  
 PHONE (954) 685-9885 FAX (954) 685-0213

PROJECT NUMBER : 3492-00

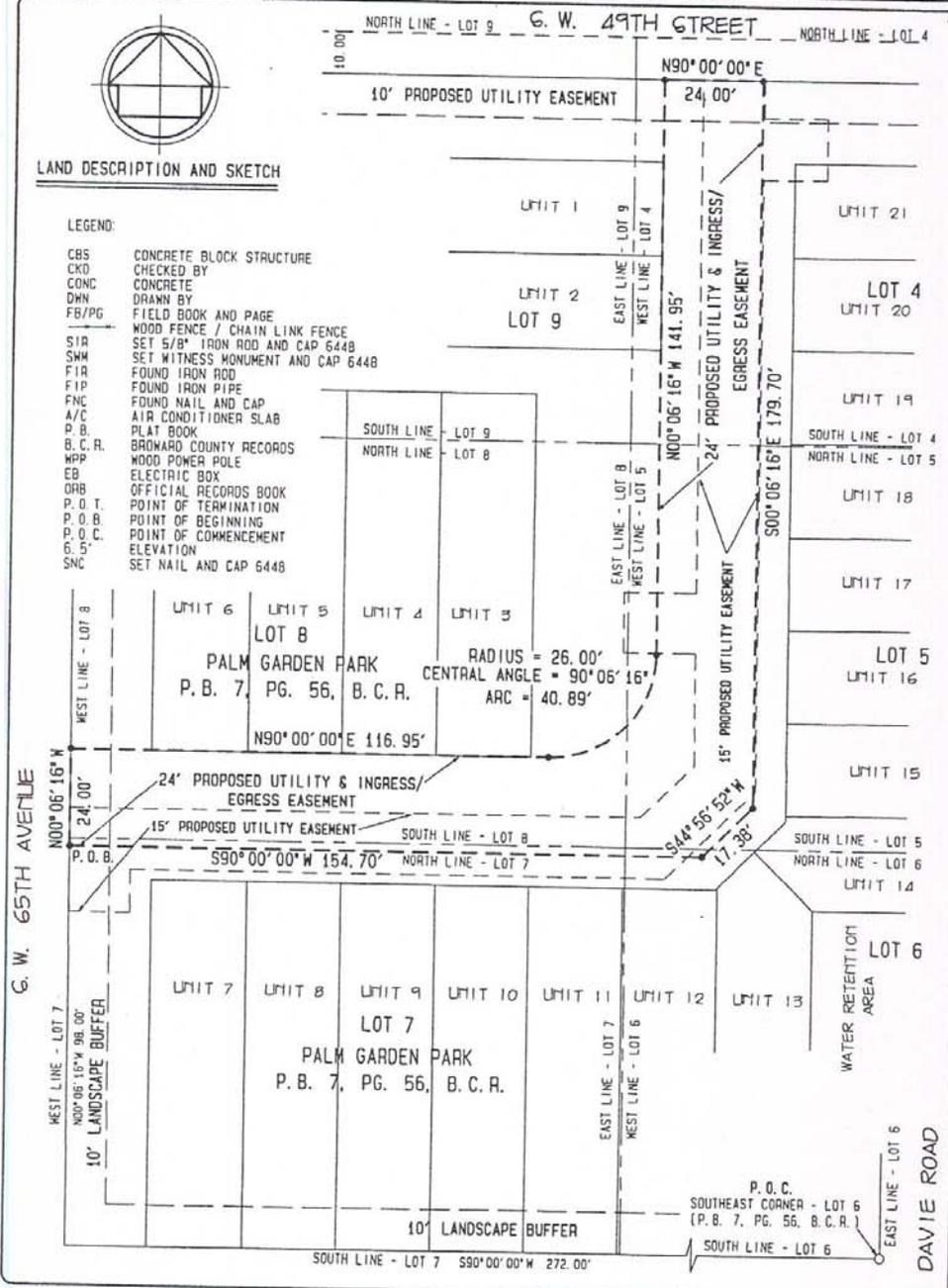
CLIENT :  
 J. J. K. INTERNATIONAL, INC.



**LAND DESCRIPTION AND SKETCH**

**LEGEND:**

- CBS CONCRETE BLOCK STRUCTURE
- CKD CHECKED BY
- CONC CONCRETE
- DWN DRAWN BY
- FB/PG FIELD BOOK AND PAGE
- SIR WOOD FENCE / CHAIN LINK FENCE
- SWM SET 5/8" IRON ROD AND CAP 6448
- FIR SET WITNESS MONUMENT AND CAP 6448
- FIP FOUND IRON PIPE
- FNC FOUND NAIL AND CAP
- A/C AIR CONDITIONER SLAB
- P.B. PLAT BOOK
- B. C. R. BROWARD COUNTY RECORDS
- MPP WOOD POWER POLE
- EB ELECTRIC BOX
- ORB OFFICIAL RECORDS BOOK
- P.O.T. POINT OF TERMINATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- SVC ELEVATION
- SNV SET NAIL AND CAP 6448



REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION AND SKETCH	01/09/01	N/A	RMC	RCC

LAND DESCRIPTION AND SKETCH FOR 24 FOOT UTILITY AND INGRESS/EGRESS EASEMENT

PROPERTY ADDRESS :  
 DAVIE MANOR HOMES  
 S. W. 65TH AVE & S. W. 49TH ST

SCALE: 1" = 30'

SHEET 2 OF 2

EXHIBIT, A

**COUSINS SURVEYORS & ASSOCIATES, INC.**



6501 ORANGE DRIVE  
 DAYIE, FLORIDA 33314  
 CERTIFICATE OF AUTHORIZATION : LB # 6448  
 PHONE (954) 685-9885 FAX (954) 685-0213

PROJECT NUMBER : 3492-00

CLIENT :  
 J. J. K. INTERNATIONAL, INC.

LAND DESCRIPTION AND SKETCH

24' UTILITY AND INGRESS/EGRESS EASEMENT

A PORTION OF LOTS 4, 5, 6, 7 AND 8, 'PALM GARDEN PARK', ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 56 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 6, OF SAID 'PALM GARDEN PARK';  
 THENCE SOUTH 90°00'00" WEST ALONG THE SOUTH LINE OF SAID LOTS 6 AND 7, A DISTANCE OF 272.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7;  
 THENCE NORTH 00°06'16" WEST ALONG THE WEST LINE OF SAID LOT 7, A DISTANCE OF 98.00 FEET TO THE POINT OF BEGINNING;  
 THENCE CONTINUE NORTH 00°06'16" WEST ALONG SAID WEST LINE, A DISTANCE OF 24.00 FEET;  
 THENCE NORTH 90°00'00" EAST, A DISTANCE OF 116.95 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHWEST;  
 THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 26.00 FEET, A CENTRAL ANGLE OF 90°06'16" AND AN ARC DISTANCE OF 40.89 FEET;  
 THENCE NORTH 00°06'16" WEST, A DISTANCE OF 141.95 FEET;  
 THENCE NORTH 90°00'00" EAST, A DISTANCE OF 24.00 FEET;  
 THENCE SOUTH 00°06'16" EAST, A DISTANCE OF 179.70 FEET;  
 THENCE SOUTH 44°56'52" WEST, A DISTANCE OF 17.38 FEET;  
 THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 154.70 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF DAYIE, BROWARD COUNTY, FLORIDA

NOTES

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. THIS SKETCH DOES NOT CONSTITUTE A SURVEY AS SUCH.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. UNDERGROUND IMPROVEMENTS NOT SHOWN.
6. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF LOT 6, 'PALM GARDEN PARK', (P.B. 7, PG. 56, B.C.R.). SAID LINE BEARS S 90°00'00"W (THIS BEARING IS ASSUMED).

FOR THE FIRM, BY: *Richard E. Cousins*  
 RICHARD E. COUSINS  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA REGISTRATION NO. 4188

REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION AND SKETCH	01/09/01	N/A	RMC	<i>RMC</i>

LAND DESCRIPTION  
 AND SKETCH FOR 24 FOOT  
 UTILITY AND INGRESS/  
 EGRESS EASEMENT

PROPERTY ADDRESS:  
 DAYIE MANOR HOMES  
 S. W. 65TH AVE & S. W. 49TH ST

SCALE: N/A

SHEET 1 OF 2

SHAPIRO & BLASI  
WASSERMAN, P.A.  
ATTORNEYS AT LAW

ANDREW B. BLASI  
ANDREW M. DECTOR\*  
DANIEL R. LEVINE\*\*  
MICHAEL B. SHAPIRO  
JEFFREY P. WASSERMAN

ROBIN I. COHEN  
BETTY L. DUNKUM  
DAVID ELTRINGHAM\*\*\*  
PENNY E. GRADES

\* ADMITTED IN FL & NJ  
\*\* BOARD CERTIFIED LABOR & EMPLOYMENT LAWYER  
\*\*\* ADMITTED IN FL & NY

CORPORATE CENTRE AT BOCA RATON  
SUITE 110  
7777 GLADES ROAD  
BOCA RATON, FLORIDA 33434

TELEPHONE (561) 477-7800  
FAX (561) 477-7722  
BROWARD (954) 989-8100  
E-MAIL: attorneys@ShapiroBlasiWasserman.com  
www.ShapiroBlasiWasserman.com

OF COUNSEL  
SANFORD L. MUCHNICK  
HOLLYWOOD OFFICE  
EMERALD VILLAGE PROFESSIONAL PLAZA  
3864 SHERIDAN STREET  
HOLLYWOOD, FLORIDA 33021

OPINION OF TITLE

To: TOWN OF DAVIE, a municipal corporation of the State of Florida  
6591 Orange Avenue, Davie, Florida 33314

With the understanding that this Opinion of Title is being furnished to the TOWN OF DAVIE as inducement for the issuance of certificates of occupancy for J.J.K. INTERNATIONAL, INC. a Florida corporation ("Developer"), covering the real property legally described on Schedule "A" attached hereto and incorporated herein by this reference (the "Property"), it is hereby certified that I have examined (i) Attorneys Title Insurance Fund, Inc. Owner's Policy of Title Insurance Number OPM1902980, bearing effective date August 7, 2000, at 11:00 p.m., and (ii) an ATIDS certified title report (File No. 04-1937.003) covering the Property for the period from and after the Developer's acquisition of record title on August 7, 2009, at 11:00 p.m., by instrument of conveyance recorded in Official Records Book 30741, Page 1843, of the Public Records of Broward County, Florida, through and including the effective date of this Opinion of Title, that being February 11, 2005, at 11:00 p.m., and not beyond.

*Subject to the exceptions set forth in F.S. § 712.03, this Opinion of Title presumes the applicability of (and thus both extends to and is accordingly limited by) F.S. § 712.02 which provides that a person shall have a marketable record title when the public records disclose a record title transaction affecting the title to the land which has been of record for not less than thirty (30) years purporting to create such estate either in the person claiming the estate or in some other person from whom, by virtue of one or more title transactions, such estate has passed to the person claiming such estate, with nothing appearing of record, in either case, purporting to divest such claimant of the estate claimed.*

**I am of the opinion that on the last mentioned date, the fee simple title to the Property was vested in J.J.K. INTERNATIONAL, INC. a Florida corporation ;**

**Subject to the following mortgage lien and/or other encumbrances:**

Mortgage in favor of Home Federal Bank of Hollywood, recorded on May 14, 2003, in Official Records Book 35163, Page 1329, of the Public Records of Broward County, Florida, as modified by instrument recorded on October 20, 2003, in Official Records Book 36275, Page 756, of the Public Records of Broward County, Florida; together with the contemporaneous assignment of leases and financing statement recorded with said Mortgage in Official Records Book 35163, Page 1339, and in Official Records Book 35163, Page 1344, of the Public Records of Broward County, Florida;

**And further subject to the following matters:**

**1. GENERAL EXCEPTIONS:**

Taxes for the year 2004 and subsequent years;

Any adverse claim of ownership by right of sovereignty made by the State of Florida or other controlling governmental authority over any portion of the Property, including submerged, filled or artificially created lands and lands accreted to such lands;

Rights of parties in possession not shown by the public records;

Encroachments , overlaps, boundary line disputes and any other matters which would be disclosed by an accurate survey and inspection of the Property;

Any lien, or right to lien, for services, labor or materials heretofore or hereafter furnished imposed by law.

Any municipal lien as provided for by Chapter 159, Florida Statutes.

**2. SPECIAL EXCEPTIONS:**

Restrictions and other matters shown on the Plat of Palm Garden Park Unit 1, as recorded in Plat Book 7, Page 56, of the Public Records of Broward County, Florida;

Restrictions of the Central Broward Drainage District set forth in instrument recorded in Official Records Book 3438, Page 80, of the Public Records of Broward County, Florida, as expressly and specifically applied, amended, modified, revised, extended or ratified to or upon the insured property by that certain Maintenance Agreement recorded on December 8, 2002, in Official Records Book 32687, Page 649, of the Public Records of Broward County, Florida;

Water and Sewer Service Agreement with the Town of Davie recorded on April 9, 2001, in Official Records Book 31459, Page 1326, of the Public Records of Broward County, Florida, as affected by instrument recorded on December 23, 2004, in Official Records Book 38760, Page 1116, of the Public Records of Broward County, Florida.

Broward County Ordinance No. 2002-61 recorded on November 21, 2002, in Official Records Book 34145, Page 1891, of the Public Records of Broward County, Florida;

Easement in favor of Town of Davie recorded on December 15, 2004, in Official Records Book 38711, Page 1550, of the Public Records of Broward County, Florida;

Easement in favor of Town of Davie recorded on December 15, 2004, in Official Records Book 38711, Page 1554, of the Public Records of Broward County, Florida;

Easement in favor of Florida Power and Light Company recorded on November 22, 2002, in Official Records Book 34150, Page 1686, of the Public Records of Broward County, Florida;

Restrictions, conditions, reservations, limitations, easements, assessments and other matters set forth in that certain Declaration of Covenants for Davie Manor Townhomes recorded on November 15, 2004, in Official Records Book 38534, Page 254, of the Public Records of Broward County, Florida.

Opinion of Title  
Page Four

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions.

I, the undersigned, 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 24 day of February, 2005.

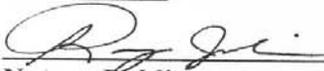
  
Name

Print Name

Florida Bar No. 370983

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 24 day of FEBRUARY, 2005, by ANDREW B. BLASI, who is personally known to me or has produced \_\_\_\_\_, as identification

  
Notary Public

Print Name:

My Commission Expires:



Page 4 of 4

SHAPIRO & BLASI  
WASSERMAN, P.A.  
ATTORNEYS AT LAW

CORPORATE CENTRE AT BOCA RATON • SUITE 110 • 7777 GLADES ROAD • BOCA RATON, FLORIDA 33434  
TELEPHONE (561) 477-7500 • FAX (561) 477-7722 • E-MAIL: attorneys@sbwlawfirm.com • www.sbwlawfirm.com

SCHEDULE "A"

LEGAL DESCRIPTION OF THE PROPERTY

LOTS 4 THROUGH 9, INCLUSIVE, OF PALM GARDEN  
PARK UNIT 1, ACCORDING TO THE PLAT THEREOF, AS  
RECORDED IN PLAT BOOK 7, AT PAGE 56, OF THE  
PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.