

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
FROM/PHONE: Russell C. Muniz, CMC, MBA, Town Clerk
PREPARED BY: Russell C. Muniz, CMC, MBA, Town Clerk
SUBJECT: Resolution

AFFECTED DISTRICT: District 4

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: WARRANTY DEED - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ACCEPTANCE OF A SPECIAL WARRANTY DEED FROM WARREN HENRY AUTOMOBILES, INC. WHICH CONVEYS CERTAIN PROPERTY FOR USE AS A PUBLIC PARK KNOWN AS CHELSEA PARK, AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The Town has obtained a special warranty deed from Warren Henry Automobiles, Inc to convey Chelsea Park to the Town. This park was developed as a condition of approval for the Warren Henry Infiniti dealership located at I-75 and Griffin Rd.

PREVIOUS ACTIONS: None

CONCURRENCES: N/A

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve the resolution and accept the Special Warranty Deed.

Attachment(s): Resolution, and Special Warranty Deed

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ACCEPTANCE OF A SPECIAL WARRANTY DEED FROM WARREN HENRY AUTOMOBILES, INC. WHICH CONVEYS CERTAIN PROPERTY FOR USE AS A PUBLIC PARK KNOWN AS CHELSEA PARK, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Warren Henry Automobiles, Inc wishes to satisfy requirements for dedication of land for a public park, and in furtherance thereof has tendered a Special Warranty Deed to the Town of Davie; and

WHEREAS, the attached legal description identifies the area to be conveyed and acceptance of this Special Warranty deed would grant the Town of Davie ownership of the park for public use.

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 hereby accepts the Special Warranty Deed dated June 23, 2008 which is attached hereto as "Exhibit A".

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

PASSED AND ADOPTED THIS _____ DAY OF _____, 2008.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2008

THIS INSTRUMENT WAS PREPARED BY:

C. William Laystrom, Jr., Esq.
Doumar, Allsworth, Laystrom, Voigt,
Wach, Mac Iver & Adair, LLP
1177 SE 3rd Avenue
Fort Lauderdale, FL 33316

Property Appraiser's Parcel
Identifying No. 10028-01-00200 & 10028-01-00210

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 23rd day of June, 2008, between **WARREN HENRY AUTOMOBILES, INC., a Florida corporation**, Grantor, and **TOWN OF DAVIE**, whose office address is: _____, Grantee;

WITNESSETH that the Grantor, for and in consideration of the sum of ten (\$10.00) Dollars, and other good and valuable considerations to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in the County of Broward, State of Florida, to wit:

See EXHIBIT "A" attached hereto and made a part hereof.

SUBJECT TO: Conditions, reservations, restrictions and easements of record; zoning and/or restrictions and prohibitions imposed by governmental authority; and taxes for the year 2008 and thereafter;

THIS DEED IS EXEMPT FROM FLORIDA DOCUMENTARY STAMPS (EXCEPT FOR MINIMUM TAX) UNDER FAC 12B-4.014(2) AS A DONATION (GIFT) OF ENCUMBERED REALTY.

Said Grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims and demands of all persons claiming by, through or under Grantor.

*(Wherever used herein the terms "Grantor" and "Grantee" shall include all parties to this instrument, the singular and plural, the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations and other legal entities, wherever the context so admits or requires.)

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

WARREN HENRY AUTOMOBILES, INC.,
a Florida corporation

Shirley Rykbae
Witness Signature
Print Name: Shirley Rykbae

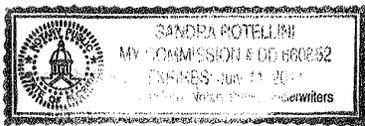
By: Warren Henry Zinn (SEAL)
Warren Henry Zinn, President

Address: 20860 N.W. 2nd Avenue
Miami, Florida 33169

C Rolle
Witness Signature
Print name: CLAUDIA ROLLE

STATE OF FLORIDA)
COUNTY OF BROWARD)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me this 23rd
day of June, 2008, by **Warren Henry Zinn**, as **President of WARREN HENRY
AUTOMOBILES, INC., a Florida corporation**, to me personally known or produced
identification _____. Type of Identification produced _____.



Sandra Rotellini
Name: SANDRA ROTELLINI
Notary Public
My Commission Expires: 7-11-2011
Commission No.: DD 660852

EXHIBIT "A"

LEGAL DESCRIPTION

A portion of Tract "B", of "Regency", according to the Plat thereof as recorded in Plat Book 121, Page 48, of the Public Records of Broward County, Florida, being more particularly described as follows:

Begin at the most Southerly South corner of said Tract "B"; thence North $48^{\circ}52'20''$ East on the Southeasterly boundary of said Tract "B" 190.18 feet; thence North $64^{\circ}-42'19''$ West 268.86 feet to a point on the arc of a circular curve concave East, the radius point of which bears North $80^{\circ}49'50''$ East, said point also being the intersection with the Westerly boundary of aforesaid Tract "B"; thence Southerly on said Westerly boundary and on the arc of said curve, with a radius of 560.00 feet and a central angle of $26^{\circ}50'10''$ an arc distance of 262.29 feet to the point of beginning.

LAW OFFICES
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OF COUNSEL
WILLIAM S. CROSS, P.A.
JOHN W. PERLOFF, P.A.

July 11, 2008

Russell Muniz, Town Clerk
TOWN OF DAVIE
6591 Orange Drive
Davie, Florida 33314

Re: Chelsea Park - Special Warranty Deed from Warren Henry Automobiles, Inc.
to Town of Davie

Dear Russell:

As we discussed, I have forwarded a replacement Special Warranty Deed to Warren Zinn to replace the Special Warranty Deed dated November 24, 2004. Warren has signed the new Special Warranty Deed and forwarded it to me. I am now forwarding that Special Warranty Deed to you on behalf of the Town of Davie. It is my understanding that the Special Warranty Deed will need to be accepted by the Town Council. Please advise me when this matter is scheduled for hearing in case my attendance at that hearing is necessary.

Should you need anything further, please do not hesitate to contact me.

Yours truly,



C. WILLIAM LAYSTROM, JR.

For the Firm

CWL:ks

Enc.

cc: Warren Zinn
Marcie Nolan
David Abramson