

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers
FROM/PHONE: Mark A. Kutney, AICP (797-1101)
SUBJECT: Resolution - Trip Transfer Agreement

Application No., Project Name and Location:
DA 2-2-01, Sara Plat - 7050 State Road 84

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, I-595 BUSINESS PLAZA, LIMITED PARTNERSHIP, AND SUNDANCE AT DAVIE, INC., RELATING TO THE TRANSFER OF COMMITTED TRIPS ON PLATTED PARCELS KNOWN AS THE SARA PLAT AND UNIVERSITY PARC PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURE TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

The attached agreement formalizes a transfer of 1,342 trips from the Sara Plat to the University Parc Plat. These trips are required in order for the University Parc Plat to satisfy transportation concurrency requirements. Trip transfers are a method of allowing the “receiving” plat to meet concurrency by transferring surplus trips already assigned to the “donor” plat. Council has already approved a plat amendment to reduce the number of trips assigned to the Sara Plat (see Previous Actions).

Broward County requires Town participation in this agreement together with I-595 Business Plaza and Sundance at Davie, Inc., to enable the transfer of 1,342 committed trips to the University Parc Plat which is pending review and approval by the Broward County Commission.

PREVIOUS ACTIONS:

Council approved a plat amendment revising the restrictive note on the Sara Plat on October 4, 2000 by Resolution No. 2000-241 (motion carried 5-0). The amendment decreased the allowed building area thus generating a surplus of 1,342 trips per day which would be applied to the University Parc Plat providing for multi-family residential and storage uses.

CONCURRENCES: None

RECOMMENDATION(S): Motion to approve.

Attachment(s): Resolution, Plats, Land Use map, Subject Site map, and Aerial.

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, I-595 BUSINESS PLAZA, LIMITED PARTNERSHIP, AND SUNDANCE AT DAVIE, INC., RELATING TO THE TRANSFER OF COMMITTED TRIPS ON PLATTED PARCELS KNOWN AS THE SARA PLAT AND UNIVERSITY PARC PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURE TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, I-595 Business Plaza, Limited Partnership are owners of the property within the Sara Plat, which was recorded in Plat Book 130, Page 9, of the public records of Broward County; and

WHEREAS, Sundance at Davie, Inc. are owners of property within the University Parc Plat, which was approved by Town Council by Resolution No. 2000-172 on July 19, 2000; and

WHEREAS, revisions to the restrictive note resulted in a decrease in the amount of committed trips associated with the Sara Plat; and

WHEREAS, revisions to the restrictive note resulted in an increase in the amount of committed trips associated with the University Parc Plat; and

WHEREAS, Broward County will allow a transfer of committed trips between the platted parcels should an agreement be entered into with the Town as party.

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 authorize the Mayor and Town Administrator to enter into an agreement, attached hereto as Exhibit "A", between Broward County, I-595 Business Plaza, Limited Partnership, Sundance at Davie, Inc., and the Town of Davie allowing a transfer of committed trips from the Sara Plat to the University Parc Plat.

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

PASSED AND ADOPTED THIS _____ DAY OF _____, 2001.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2001.

Return recorded copy to:

C. William Laystrom, Jr.
1177 S. E. Third Avenue
Fort Lauderdale, Florida 33316

Document prepared by:

C. William Laystrom, Jr.
1177 S. E. Third Avenue
Fort Lauderdale, Florida 33316

AGREEMENT

Among

BROWARD COUNTY

and

Town
~~CITY~~ OF Davie

and

I-595 Business Plaza, Limited Partnership

and

Sundance at Davie, Inc.

FOR TRANSFER OF COMMITTED TRIPS

This is an Agreement among BROWARD COUNTY, a political subdivision of the State of Florida, its successors and assigns, hereinafter referred to as "COUNTY";

AND

Town
~~CITY~~ of Davie, a municipal corporation of the State of Florida, its successors and assigns, hereinafter referred to as "CITY";

AND

I-595 Business Plaza, Limited Partnership, its successors and assigns, hereinafter referred to as "DONOR";

CAF#257
09/28/98

AND

Sundance at Davie, Inc., its successors and assigns, hereinafter referred to as "RECEIVER."

WHEREAS, RECEIVER is the owner of certain real property located in the Town of Davie, Broward County, Florida (hereinafter referred to as the "Receiving Parcel") and is described in the attached Exhibit "A" that is incorporated into this Agreement; and

WHEREAS, RECEIVER has previously either:

received COUNTY approval to develop the Receiving Parcel as follows:

_____ ; or

it has been determined that the Receiving Parcel has no vested rights with respect to traffic concurrency satisfaction; and

WHEREAS, RECEIVER has applied to the COUNTY for the following approval(s) to permit development of the Receiving Parcel:

University Parc plat

_____ ; and

WHEREAS, the proposed development level will result in an additional traffic impact of 1 342 trips per day, pursuant to COUNTY's TRIPS model; and

WHEREAS, Chapter 5, Article IX, Broward County Code of Ordinances, requires that the Regional Transportation Network be adequate to serve the reasonably projected needs of proposed development; and

WHEREAS, DONOR is the fee simple owner of the Sara plat Plat, (101-MP-89), (hereinafter referred to as the "Donor Parcel"), which was

approved by the County Commission on February 7th, 1991 (date), and which is more particularly described in Exhibit "B," attached hereto and incorporated herein; and

WHEREAS, the Donor Parcel is contiguous to the Receiving Parcel; and

WHEREAS, the Donor Parcel has been approved by the COUNTY and is restricted to the following uses:

This plat is restricted to 152,200 s.f. of light industrial, 22,912 s.f. of office and 6640 s.f. of commercial

_____ ; and

WHEREAS, the County Commission approved an amendment to the note on the face of the Sara Plat which reduced the trips committed to the Donor Parcel from 2498 to 1156, a reduction of 1342 committed trips; and

WHEREAS, the COUNTY Commission approved a delegation request to increase the development permitted on the Receiving Parcel by the number of trips reduced from the Donor Parcel; and

WHEREAS, pursuant to Section 5-182(a)(4)(b) of the Broward County Code of Ordinances, DONOR and RECEIVER seek to transfer the committed trips reduced from the Donor Parcel to the Receiving Parcel; and

WHEREAS, COUNTY has no objection to the transfer of committed trips and the County Commission approved such a transfer at its meeting of _____, 2000 (date); NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, COUNTY, CITY, DONOR and RECEIVER agree as follows:

1. The above recitals are true and are incorporated into this Agreement.
2. DONOR agrees to transfer to the Receiving Parcel and the RECEIVER agrees to accept 1342 trips per day, corresponding to the following designated uses:

22,912 square feet of office and 4,712 square feet

3. RECEIVER agrees that if a building permit for a principal building is not issued on the Receiving Parcel within three (3) years of the date the Board of County Commissioners approved the transfer of committed trips, the COUNTY's finding of adequacy of the regional road network relative to the donated trips shall expire and no building permits shall thereafter be issued for a principal building on the Receiving Parcel.
4. TOWN agrees that in the event that the COUNTY's finding of adequacy of the regional road network expires, TOWN shall not issue any building permits for the donated trips until the Board of County Commissioners makes a finding that the application satisfies the adequacy requirements of the regional road network.
5. RECEIVER agrees that he/she shall not be entitled to transfer any trips from the Receiving Parcel.
6. DONOR shall not be entitled to apply for an amendment to the note on the face of the Donor Parcel's plat to increase the number of trips allocated to the Donor Parcel for a period of three (3) years from the date the Board of County Commissioners approved the transfer of committed trips.
7. DONOR and RECEIVER agree to execute any and all other instruments or documents as may be required to effectuate the requirements of Chapter 5, Article IX, Broward County Code of Ordinances, and this Agreement.
8. COUNTY and TOWN find that execution of and adherence to this Agreement on the part of RECEIVER satisfies the requirement of Chapter 5, Article IX, Broward County Code of Ordinances, that plats of land shall be designed to provide for the adequacy of the regional road network, at the adopted levels of service, concurrent with the impact of the development.
9. NOTICE: Whenever any of the parties desires to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving of notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

For the COUNTY:

Director of the Broward County Development Management Division
115 South Andrews Avenue, Room A-240

Fort Lauderdale, Florida 33301

Town
For the ~~CITY~~

Davie Town Administrator - Davie Town Hall

6591 S.W. 45th Street - Davie, Florida 33314

with a copy to Davie Town Attorney

For the DONOR:

I-595 Business Plaza Limited Partnership c/o Malcolm Butters

1096 E. Newport Center - Suite 100, Deerfield Beach, FL. 33442

with a copy to C. William Laystrom, Jr. - 1177 SE 3rd Ave, Ft. Lauderdale, FL. 3

For the RECEIVER:

SUNDANCE AT DAVIE, INC. c/o Manny Larrieu

3971 S. W. 8th Street - Suite 205, Coral Gables, FL. 33134

with a copy to C. William Laystrom, Jr. - 1177 SE 3rd Ave, Ft. Lauderdale, FL. 3

10. This Agreement shall be recorded in the Official Records of Broward County, Florida, against the property described in Exhibits "A" and "B" to put subsequent purchasers, grantees, heirs, successors and assigns of any interest in such property on notice of the obligations set forth herein, which shall run with the property.
11. APPLICABLE LAW AND VENUE. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the state of Florida. Venue for litigation concerning this Agreement shall be in Broward County, Florida.

IN WITNESS WHEREOF, the parties have made and executed this Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Chair, authorized to execute same by Board action on the _____ day of _____, _____ (date), and _____, authorized to execute same by Commission/Council action on the _____ day of _____, _____ (date), and _____, signing by and through its _____, duly authorized to execute same, and _____, signing by and through its _____, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

County Administrator and Ex-
Officio Clerk of the Board
of County Commissioners
of Broward County, Florida

By _____, Chair

____ day of _____, _____ (date)

Approved as to form by
Office of County Attorney
Broward County, Florida
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

By _____

Assistant County Attorney

I-595 AGREEMENT AMONG BROWARD COUNTY, ^{Town} ~~CITY~~ OF Davie,
Business Plaza Limited Partnership AND Sundance at Davie, Inc. FOR TRANSFER OF
COMMITTED TRIPS

Town
~~CITY~~ OF Davie

WITNESSES:

_____ By _____

_____ day of _____, _____ (date)

ATTEST:

_____ By _____
City Manager Town ~~City~~ Clerk
Town Administrator

_____ day of _____, _____ (date)

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
Town ~~City~~ Attorney

AGREEMENT AMONG BROWARD COUNTY, ^{Town} ~~CITY~~ OF Davie
1-595 Business Plaza Limited Partnership AND Sundance at Davie, Inc. FOR TRANSFER OF
COMMITTED TRIPS

DONOR

WITNESSES:

Robert B. Scherky
Cathy Heller

I-595 Business Plaza, Inc.

By

[Signature] PRES.
I-595 Business Plaza Inc. General P.

18 day of Nov, 2000 (date)

ATTEST:

By _____
Secretary

(CORPORATE SEAL)

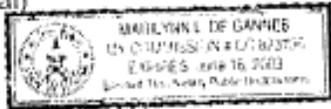
ACKNOWLEDGMENT - INDIVIDUAL

STATE OF Florida }
COUNTY OF Broward } SS

The foregoing instrument was acknowledged before me this 30th day of January, 2001 (date) by Malcolm S. Bute who is personally known to me or who is produced N/A as identification.

NOTARY PUBLIC:

(Seal)



My commission expires:

June 16, 2003

[Signature]
Print name: MARILYN H. DE GANN
Commission No. CC 822736

1-595 Business Limited Partnership ^{Town} ~~XXXX~~ OF Davie ^{Davie}
AGREEMENT, AMONG BROWARD COUNTY, ~~XXXX~~ OF Davie ^{Davie}
AND Sundance at Davie Inc. FOR TRANSFER OF
COMMITTED TRIPS

CORPORATE/PARTNERSHIP

STATE OF Florida }
COUNTY OF Broward } SS

The foregoing instrument was acknowledged before me this 30 day of January, 2001 (date) by Malcolm S Butler, as _____ of a Florida corporation/partnership, on behalf of the corporation/ partnership. He or ~~she~~ is personally known to me or has produced N/A as identification. N/A

NOTARY PUBLIC:

(Seal)

My commission expires:

Marilynn L DeGannes
Print name: Marilynn L DeGannes
Commission No. CL 823736



RECEIVER

WITNESSES:

Debra Gray
Debra Gray
Isabel Guzman
Isabel Guzman

Sundance at Davie, Inc.

By Manuel Torres
30th day of OCTOBER, 2001 (date)

ATTEST:

[Signature]
By _____
Secretary

(CORPORATE SEAL)

EXHIBIT A - RECEIVING PARCEL
UNIVERSITY PARC PROPERTY

LEGAL DESCRIPTION:

Tract 4, Tier 45 in Sections 15 and 22, Township 50 South, Range 41 East, according to the plat of Newman's Survey, as recorded in Plat Book 2, Page 26 of the Public Records of Dade County, Florida, LESS that portion deeded to Broward County in Official Records Book 2897, Page 852, described as follows:

Beginning at the intersection of the West and South boundaries of Tract 4, Tier 45, as shown on Newman's Survey Map recorded in Plat Book 2, Page 26, of the Public Records of Dade County, Florida; thence on said West boundary, run Northerly 25.0 feet to a point; thence on a line 25.0 feet Northerly of and parallel to said South boundary, run Easterly 138.7 feet to a point of curvature of a circular curve to the right having a radius of 1934.86 feet; thence on the arc of said curve, run easterly 221.49 feet to a point of reverse curvature with a circular curve to the left having a radius of 1884.86 feet; thence on the arc of last aforesaid curve, run Easterly 215.77 feet to a point of tangency on aforesaid South boundary; thence on said South boundary, run Westerly to the point of intersection described above.

Said lands lying in the Town of Davie, Broward County, Florida and containing 9.786 acres, more or less.

EXHIBIT "B" - DONOR PARCEL

Parcel A and Parcel B of SARA PLAT, according to the Plat thereof, recorded in Plat Book 147, Page 3 of the Public Records of Broward County, Florida.



SARA PLAT
 A REPLAT OF THE EAST 1/2 OF TRACTS
 1, 2, 3, TIER 45, SEC. 16 & 22, TWP.
 50S., RGE. 41E., NEWMAN'S SURVEY, P.B.
 2, PG. 26, DADE COUNTY RECORDS.
 TOWN OF DAVIE, BROWARD COUNTY, FLORIDA.



THE STATE OF FLORIDA, COUNTY OF BROWARD, BEFORE ME, the undersigned authority, on this _____ day of _____, 20____, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same for the purposes and consideration therein expressed.

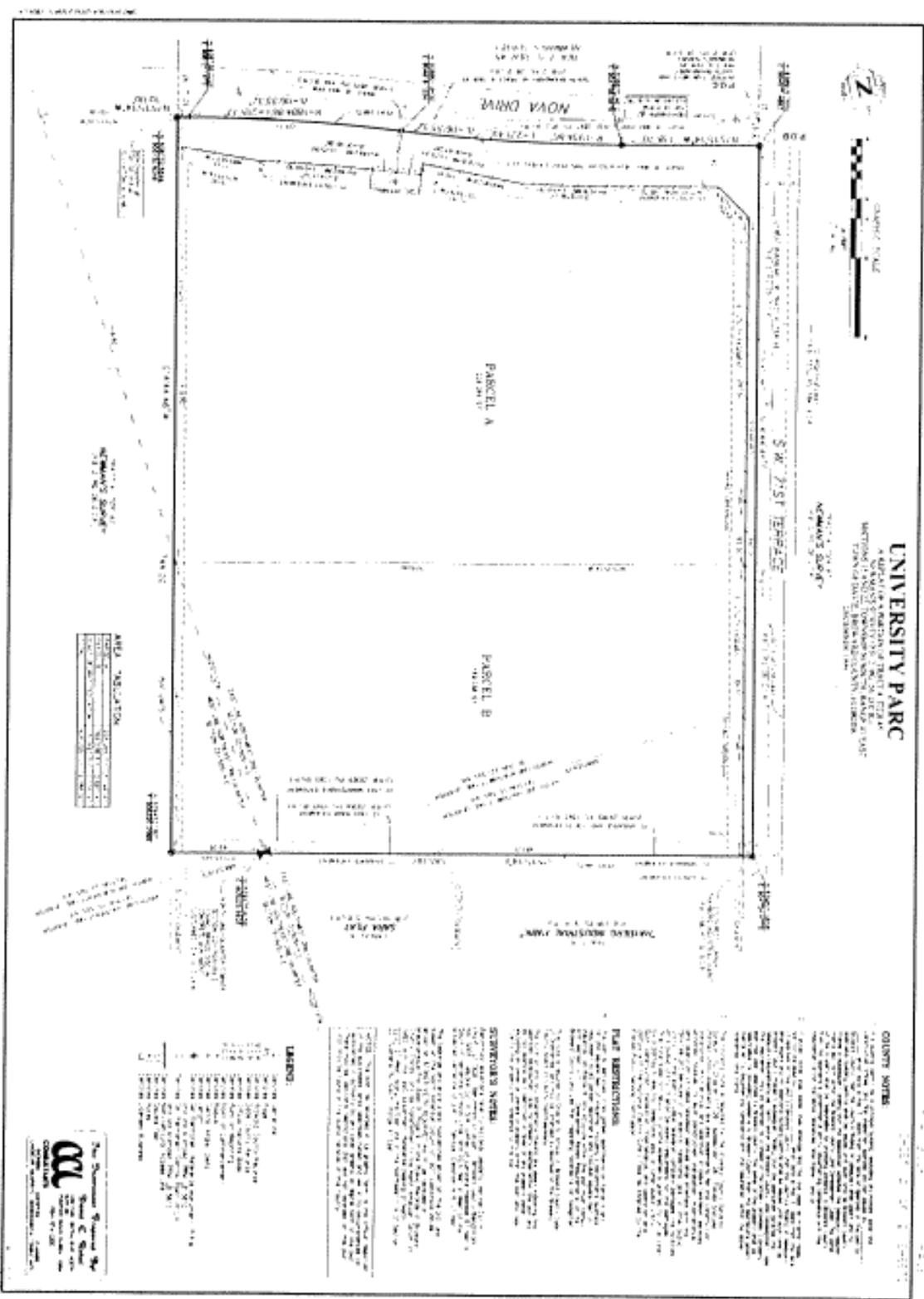
My commission expires _____.

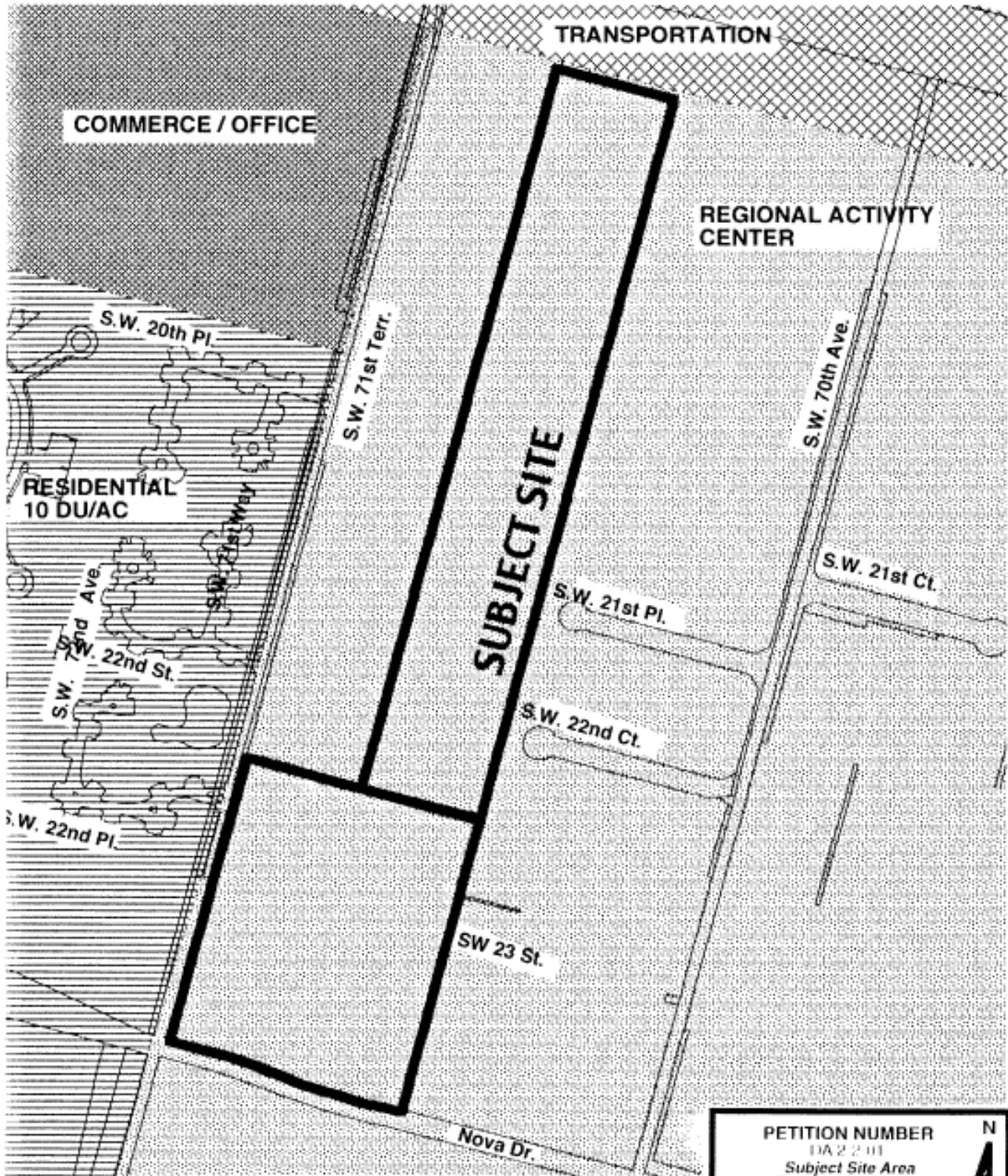
[Signature]
 Notary Public in and for the State of Florida

WITNESSES my hand and the seal of said office this _____ day of _____, 20____.

[Signature]
 Notary Public in and for the State of Florida

DAVID ASSOCIATES, INC.
 COMMERCIAL REAL ESTATE BROKERS
 10000 W. BIRCHWOOD BLVD., SUITE 100
 DAVIE, FLORIDA 33314





COMMERCE / OFFICE

TRANSPORTATION

REGIONAL ACTIVITY CENTER

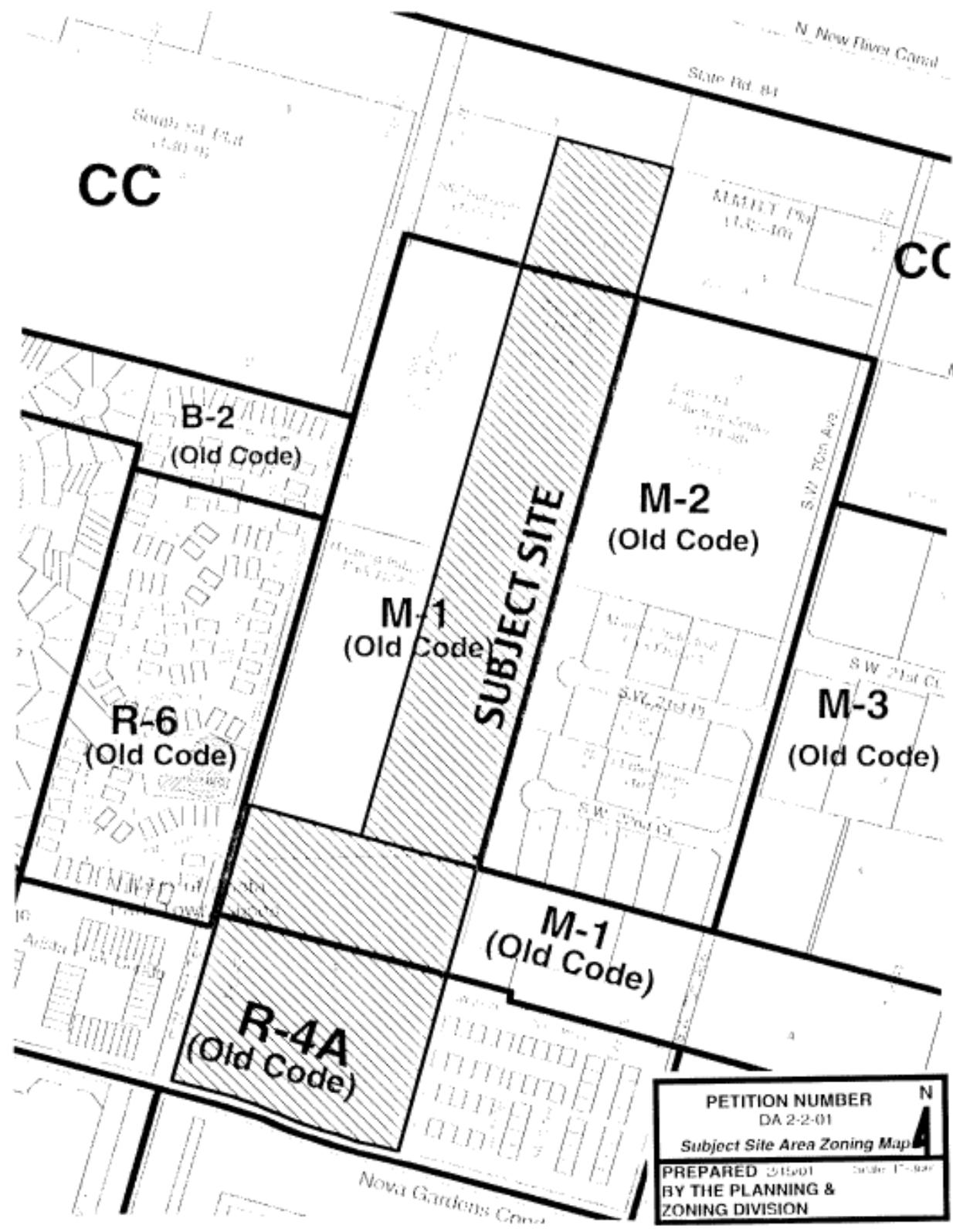
SUBJECT SITE

RESIDENTIAL
10 DU/AC

PETITION NUMBER
DA 2203
Subject Site Area
Future Land Use Plan

PREPARED 2/15/01 Scale: 1"=300'
BY THE PLANNING &
ZONING DIVISION

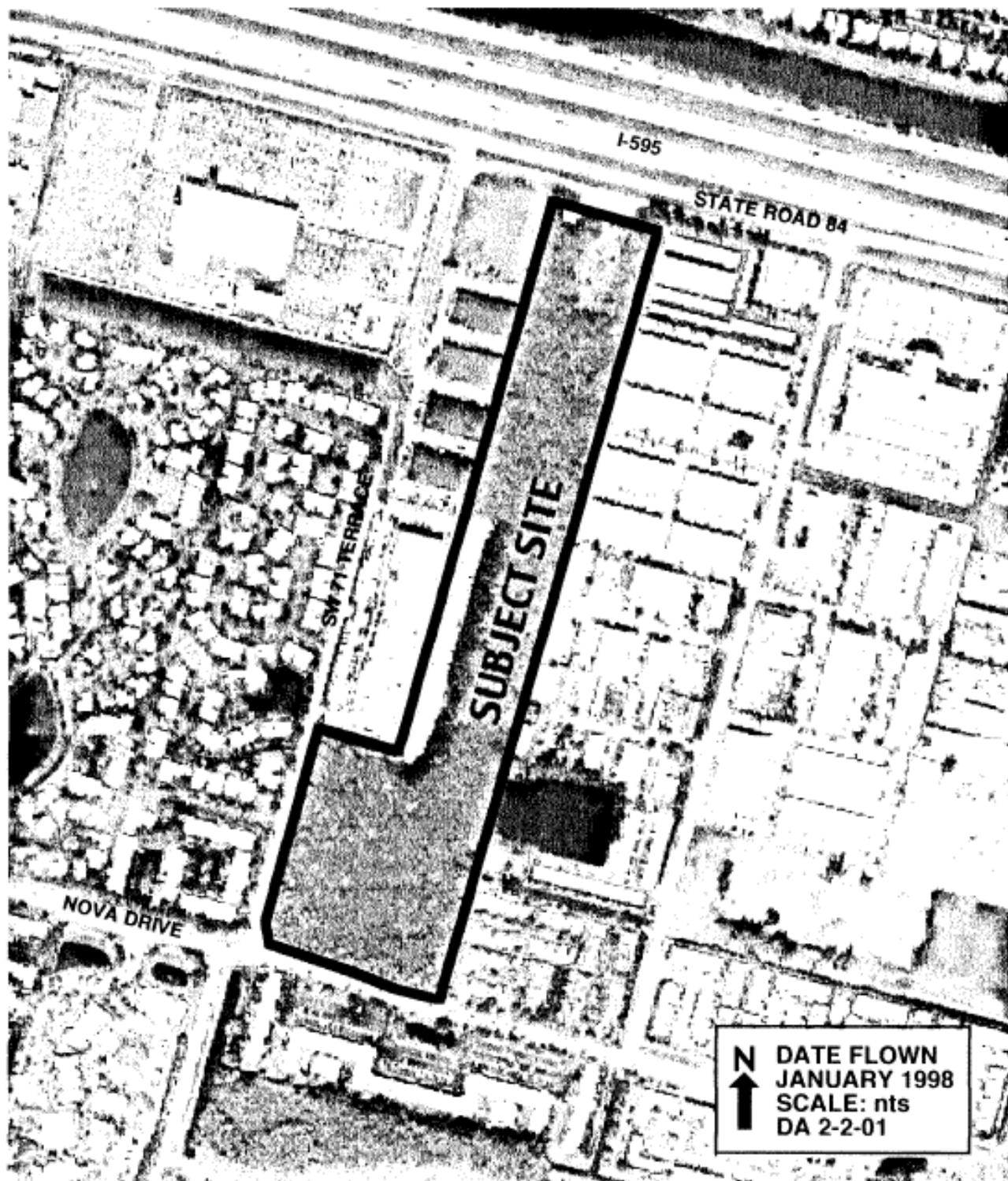




PETITION NUMBER
DA 2-2-01

Subject Site Area Zoning Map

PREPARED 2/15/01 Scale 1"=330'
BY THE PLANNING & ZONING DIVISION



I-595

STATE ROAD 84

SM 71 TERRACE

SUBJECT SITE

NOVA DRIVE

N
↑
DATE FLOWN
JANUARY 1998
SCALE: nts
DA 2-2-01