

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Ken Cohen/797-1030

SUBJECT: Sale of Property - S.E. corner of St. Rd. 84 and Scarborough Drive

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID OF \$535,000 FOR THE FORMER YOUNG AT ART MUSEUM SITE.

REPORT IN BRIEF: The 2.77 acre site, noted above was slated to be donated by the Town for the Young At Art/County Library complex. The property zoning category was changed from B-2/RM5 to CF under Ordinance #97-10. Last year the county calculated the property requirements for construction of the library and Young At Art facilities. It was determined that the site was too small to accommodate the total design requirements of the complex. The county subsequently found and purchased a suitable 11 acre site for the project. On February 6, 2002 the Town Council passed Resolution #R-2002-22 which, in summary, authorized the payment of \$300,000 to Young At Art from the property sale. All revenues above \$300,000 would be retained by the General Fund of the Town of Davie. The sale of the property could not proceed until clear title to the property could be established by the Town. As clear title issues should be resolved shortly, we feel we are now in position to proceed with the sale. An advertisement was placed in the local newspaper stating the Town was offering the property for sale. Three bids were received, the highest being the \$535,000 bid from Aubrey & Shainie Wells. All bids received were contingent on the current zoning being changed back to B-2 or some lesser category under which their project can be completed.

PREVIOUS ACTIONS: Ordinance 97-10; changing the classification from B-2/RM5 to CF (Attachment A). Resolution R-2002-22; authorizing the payment of up to \$300,000 to Young At Art from the property sale (Attachment D).

CONCURRENCES: N/A

FISCAL IMPACT: \$235,000 additional revenue to General Fund (less past due property taxes)

RECOMMENDATION(S): Motion to approve the resolution.

Attachment(s): Resolution

A) Ordinance 97-10

B) Resolution R-2002-22

C) Bid Offer Letter

D) Contract

E) Advertisement - Sale of Property

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE SALE OF PROPERTY ON THE SOUTHEAST CORNER OF ST. RD. 84 AND SCARBOROUGH DRIVE.

WHEREAS, the Town of Davie received this land through a donation which the Town was to deed over to Young At Art for their new museum facility; and

WHEREAS, Young At Art and Broward County combined to expand the facility or other property more suited to the larger project; and

WHEREAS, this property now is deemed to have outlined its usefulness or is not needed for public purposes.

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

SECTION 1. That the Town Council of the Town of Davie hereby accept the offer of \$535,000 for the purchase of the property of the former Young At Art Museum site.

SECTION 2. The Town Council authorizes the Mayor to execute a contract with Aubrey & Shainie Wells for the property sale which is attached hereto and identified as Attachment "D".

SECTION 3. 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

ORDINANCE 97-10

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-1, B-2 AND RM-5 TO RM-10 AND CF; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from B-1, B-2 and RM-5 to RM-10 and CF; and,

WHEREAS, said notice was given and publication made as required by law on December 4, 1996, and a public hearing thereunder was held on December 18, 1996

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property described in Exhibit "A," attached hereto and made a part hereof, be and the same is hereby rezoned and changed from B-1, B-2 and RM-5 to RM-10 and CF.

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property hereinabove described as RM-10 and CF.

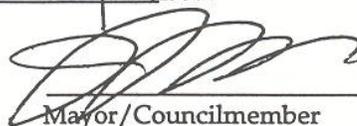
SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS 18th DAY OF December 1996.

PASSED ON SECOND READING THIS 5th DAY OF February 1997.



Mayor/Councilmember

ATTEST:



Town Clerk

APPROVED THIS 5th DAY OF February 1997

Ord 97-10

97-626113 T#001
12-01-97 03:14PM

Return to:

Name:

Town Clerk
Town of Davie

Address:

6591 SW 45 Street
Davie, Florida 33314

This Instrument Prepared By:

Ruden, McClosky, Smith
Schuster & Russell, P.A.
200 East Broward Boulevard
15th Floor
Fort Lauderdale, Florida 33301

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, Chase Joint Venture, whose mailing address is 10 Light Street, 6th Floor, Baltimore, MD 21202, being the owner of that certain real property located in the Town of Davie, Broward County, Florida, and described on Exhibit "A" attached hereto and made a part hereof, voluntarily makes the following Declaration of Restrictions covering the above-described property, specifying that this Declaration of Restrictions shall constitute a covenant running with the land and that this Declaration shall be binding upon the undersigned and upon all persons deriving or taking title through the undersigned. These restrictions, during their lifetime, shall be for the benefit for the Town of Davie, Florida.

1. The above-described property shall be used for the following uses: library and public educational uses.
2. These restrictions shall not be construed to grant a use not allowable under the applicable zoning category of the subject property.
3. Development of the described property shall be in conformance with Town of Davie Comprehensive Plan and Land Development Code.
4. These covenants are to run with the land and shall be binding upon all parties and persons deriving or taking title through the undersigned from the date these covenants are recorded in the Public Records of Broward County, Florida. This Declaration of Restrictions may be amended or removed only by the Town of Davie, Florida, by a written document of equal formality and dignity and with the approval of the undersigned or their successors in title or assigns. Any amendment to this Declaration of Restrictions or termination hereof shall be recorded in the Public Records of Broward County, Florida. Nothing herein shall prevent the declarants or their successors in title or assigns from applying to the Town of Davie, Florida, for modification of this Declaration of Restrictions or termination hereof.

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DEFERRED ITEM
Return Document To
Business Operations

(3)

