

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Service Director/945-797-1101  
Prepared by: Larry A. Peters, P.E., Town Engineer

**SUBJECT:** Resolution  
Quit Claim Deed/Ahmad Tavakoli/Town of Davie  
Generally located along S.W. 76<sup>th</sup> Avenue

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ACCEPT A QUIT CLAIM DEED FOR 50' OF RIGHT-OF-WAY FROM AHMAD TAVAKOLI; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:**

In order to provide for public roadway, rights of ways are required from this property owner. The west 50 feet of the south one-half of tract 30, less the east 1024.99 feet thereof and, everglades land company subdivision of section 27, township 50 south, range 41 east, according to the plat thereof, as recorded in plat book 2, page 34 of the public records of Dade County Florida, said lands lying and being in the Town of Davie, Broward County, Florida, as described in exhibit "A" is being transmitted to the Town of Davie via Quit Claim Deed. This resolution will provide the Town the necessary right of way to install and maintain roadway improvements.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** None

**FISCAL IMPACT:** N/A

**RECOMMENDATION(S):**

Staff finds the item complete and suitable for transmittal to Town Council for further consideration

**Attachment(s):** Resolution, Legal Description and Sketch, Quit Claim Deed, Town Attorney Memo

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ACCEPT A QUIT CLAIM DEED FOR 50' OF RIGHT-OF-WAY FROM AHMAD TAVAKOLI; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Quit-Claim Deed has been submitted to the Town donating fifty feet right of way; and

WHEREAS, the Town of Davie wishes to acquire this fifty feet for right-of-way by accepting a Quit Claim Deed.

NOW, THEREFORE, BE IT ORDAINED 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 accept a Quit Claim Deed, a copy of which is attached hereto as Exhibit "A".

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

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

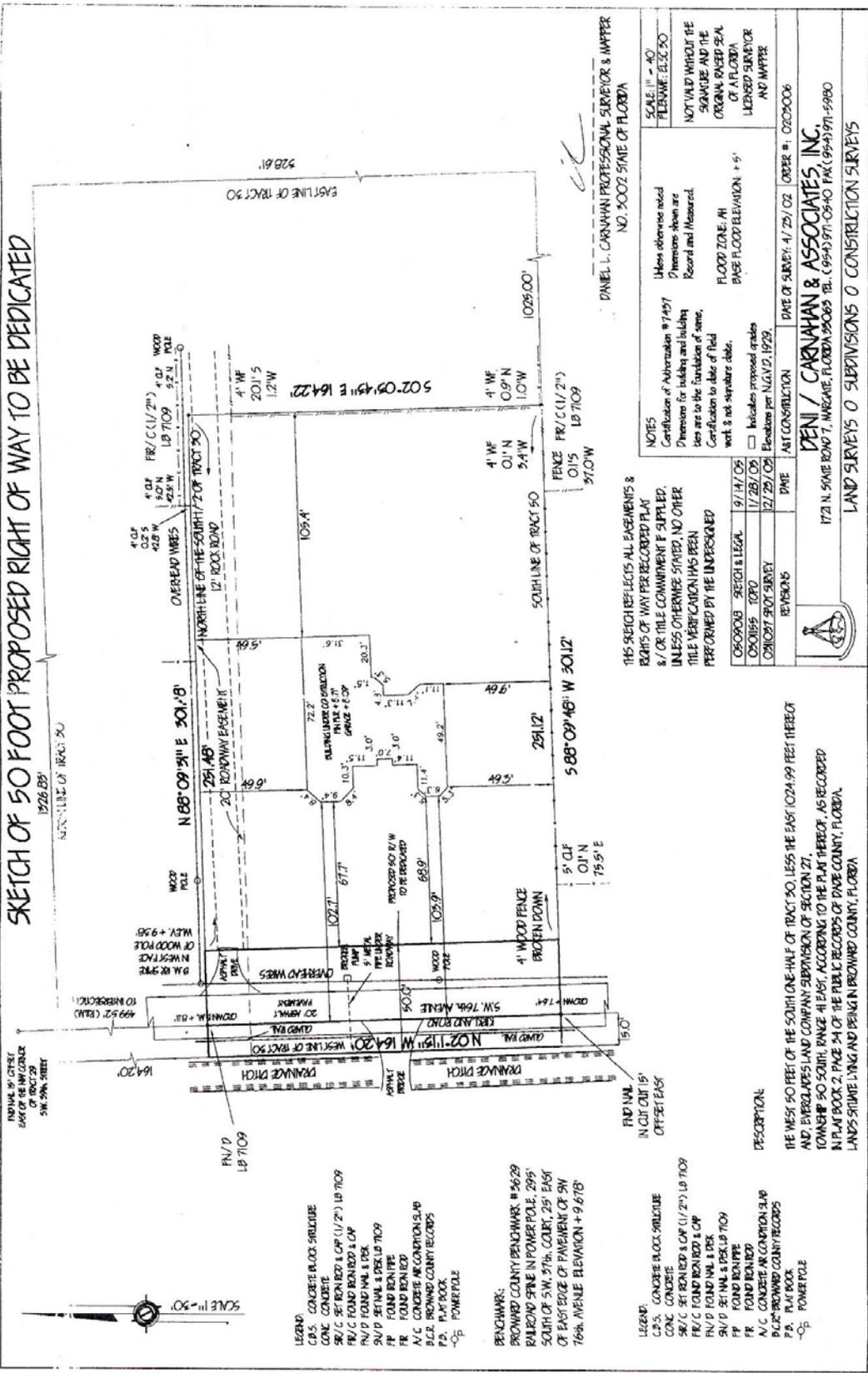
\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

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

# SKETCH OF 50 FOOT PROPOSED RIGHT OF WAY TO BE DEDICATED



SCALE 1" = 30'

- LEGEND**
- CB - CONCRETE BLOCK STRUCTURE
  - CON - CONCRETE
  - FR/C - FOUNDATION & CONCRETE (1/2") LB TIO9
  - FR/C - FOUNDATION & CONCRETE (1/2") LB TIO9
  - FR/D - FOUNDATION & CONCRETE (1/2") LB TIO9
  - FR/D - FOUNDATION & CONCRETE (1/2") LB TIO9
  - FR - FOUNDATION
  - FR - FOUNDATION
  - A/C - CONCRETE ARCH CONDITIONS (40)
  - B/C - BROWARD COUNTY RECORDS
  - P - PLAY ROCK
  - S- POWER POLE

- BENCHMARKS:**
- BROWARD COUNTY BENCHMARK #5629
  - RAILROAD SPINE IN POWER POLE, 295'
  - SOUTH OF SW. 37th COURT, 25' EAST
  - OF EAST EDGE OF PAVEMENT OF SW
  - 76th AVENUE ELEVATION + 9.678'

- LEGEND**
- CB - CONCRETE BLOCK STRUCTURE
  - CON - CONCRETE
  - FR/C - FOUNDATION & CONCRETE (1/2") LB TIO9
  - FR/C - FOUNDATION & CONCRETE (1/2") LB TIO9
  - FR/D - FOUNDATION & CONCRETE (1/2") LB TIO9
  - FR/D - FOUNDATION & CONCRETE (1/2") LB TIO9
  - FR - FOUNDATION
  - FR - FOUNDATION
  - A/C - CONCRETE ARCH CONDITIONS (40)
  - B/C - BROWARD COUNTY RECORDS
  - P - PLAY ROCK
  - S- POWER POLE

5.0' OFF SET EAST

DESCRIPTION

THE WEST 50 FEET OF THE SOUTH ONE-HALF OF TRACT 30, LESS THE EAST 1024.99 FEET THEREOF AND 7' EVERGLADES LAND COMPANY SUBDIVISION OF SECTION 21, TOWNSHIP 30 SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 PAGE 24 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LANDS SHOWN LING AND BEING IN BROWARD COUNTY, FLORIDA.

THIS SKETCH REFLECTS ALL EASEMENTS & RIGHTS OF WAY PREVIOUSLY RECORDED PLAT &/OR TITLE COMMITMENT FILED UNLESS OTHERWISE STATED, AND OTHER TITLE VERIFICATION HAS BEEN PERFORMED BY THE UNDERSIGNED

DATE	REVISIONS
9/14/05	DESIGNED - SEARCH & LEGAL
11/28/05	CONTRACT TOPO
12/29/05	CONTRACT SPOT SURVEY

DATE OF SURVEY: 4/29/02 ORDER #: 0209006



**DENI / CARNAHAN & ASSOCIATES, INC.**  
 1773 N. STATE ROAD 7, WARGATE, FLORIDA 33065 TEL: (954) 971-0540 FAX: (954) 971-5980  
 LAND SURVEYS • SUBDIVISIONS • CONSTRUCTION SURVEYS

**NOTES**  
 Unless otherwise noted Dimensions shown are Record and Measured.  
 FLOOD ZONE: AH  
 BASE FLOOD ELEVATION: +9'  
 SCALE: 1" = 40'  
 PLANIME: E13030  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RANDED SEAL OF A LICENSED SURVEYOR AND MAPPER

DANIEL L. CARNAHAN PROFESSIONAL SURVEYOR & MAPPER  
 NO. 30023 STATE OF FLORIDA

Parcel Identification No:

This Instrument Prepared By  
and Return to:

STEPHEN J. STRALEY, ESQ.  
STRALEY & OTTO, P.A.  
3990 SHERIDAN STREET, SUITE 109  
HOLLYWOOD, FL 33021

### QUITCLAIM DEED

This Quitclaim Deed, made this 17 day of October, 2005, between AHMAD TAVAKOLI, whose address is 1200 DIPLOMAT PARKWAY, HOLLYWOOD, FLORIDA 33019, Grantor, and TOWN OF DAVIE, whose address is 6591 Orange Drive, Davie, Florida 33314-3399, Grantees.

Witnesseth, that the Grantor, for and in consideration of the sum of -----TEN & NO/100 (\$10.00)-----  
---DOLLARS, and other good and valuable consideration to Grantor in hand paid by Grantees, the receipt of which is hereby acknowledged, has granted, bargained and quitclaimed to the said Grantees and Grantees' 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

THE SUBJECT PROPERTY IS NOT THE HOMESTEAD OF THE GRANTOR AS GRANTOR'S PRINCIPAL ADDRESS IS 1200 DIPLOMAT PARKWAY, HOLLYWOOD, FLORIDA 33019.

To Have and to Hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, for the use, benefit and profit of the said Grantees forever.

THIS TRANSFER OF REAL PROPERTY TO THE TOWN OF DAVIE IS GIVEN BASED ON THEIR REPRESENTATIONS THAT THEY WILL IMPROVE AND WIDEN THE ROADWAY ADJACENT TO THE SUBJECT PROPERTY AS WELL AS INSTALL A SIDEWALK IN FRONT OF THE SUBJECT PROPERTY. IN ADDITION, THIS DEED IS GIVEN CONDITIONED UPON THE FACT THAT IN THE EVENT THE TOWN OF DAVIE PAYS OTHER PROPERTY OWNERS ON 76<sup>TH</sup> AVENUE, FOR AND IN CONSIDERATION OF GRANTING A PORTION OF THEIR REAL PROPERTY FOR RIGHT-OF-WAY OR OTHER TOWN OF DAVIE PURPOSES, OR ALTERNATIVELY, SHOULD THE TOWN OF DAVIE RECEIVE MONETARY COMPENSATION FOR AND IN LIEU OF GRANTING A RIGHT-OF-WAY, THEN IN SUCH EVENT THE GRANTOR HEREIN WOULD BE ALLOCATED AN EQUITABLE, PROPORTIONATE AND FAIR AMOUNT OF SAME IN CONSIDERATION FOR THE GRANTOR HEREIN HAVING CONVEYED THE PROPERTY DESCRIBED HEREIN TO THE TOWN OF DAVIE WITHOUT CONSIDERATION.

In Witness Whereof, the Grantor has hereunto set he/she hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness #1 Signature Stephen J Straley  
Witness #1 Printed Name

Witness #2 Signature Amy A. Fromer  
Witness #2 Printed Name

AHMAD TAVAKOLI  
AHMAD TAVAKOLI  
1200 DIPLOMAT PKY, HOLLYWOOD, FL 33019

STATE OF FLORIDA  
COUNTY OF BROWARD

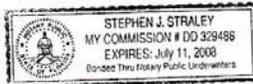
The foregoing instrument was acknowledged before me this 17 day of October, 2005, by AHMAD TAVAKOLI who is personally known to me or who has produced \_\_\_\_\_ as identification.

SEAL

Notary Signature

Printed Notary Signature

My Commission Expires:



MONROE D. KIAR  
TOWN ATTORNEY  
TOWN OF DAVIE  
6191 SW 45<sup>th</sup> Street, Suite 6151A  
Davie, Florida 33314  
(954) 584-9770

RCVD NOV 23 '05

**MEMORANDUM**

DATE: November 23, 2005

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

CC: Mayor and Councilmembers  
Ken Cohen, Acting Town Administrator

FROM: Monroe D. Kiar 

RE: Control Number 051007  
Quit Claim Deed by Ahmad Tavakoli - 76<sup>th</sup> Avenue Deed Right-of-Way

As I indicated to you in my prior correspondence, pursuant to your request, this office reviewed the Quit Claim Deed provided to the Town by Mr. Ahmad Tavakoli related to his grant of a 50 foot right-of-way to the Town. As I previously indicated, upon the face of the Quit Claim Deed it is indicated that Mr. Tavakoli is transferring his property rights to the Town based on the Town's representation that the Town will improve and widen the roadway adjacent to his property and install a sidewalk in front of the property. Additionally, in the event that the Town receives compensation from other property owners on 76<sup>th</sup> Avenue in consideration of granting a portion of their properties for a right-of-way or municipal purpose, or receives monetary compensation in lieu of granting a right-of-way, Mr. Tavakoli wants a proportionate amount of compensation in consideration for granting his property to the Town.

In my previous correspondence, I also inquired if the conditions set forth above were agreeable to the Town. You have since responded by indicating that the Engineering Division has no objections to accepting the right-of-way with the attached exemptions and contingencies, however, the Engineering Division has no authority to grant compensation for the acquisition of public right-of-way or to exempt the improvements and therefore, this will require Town Council approval. This office agrees with you that this is a policy decision to be made by the Town Council.

MDK/gmv

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