

# **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers  
**FROM:** Monroe D. Kiar  
**SUBJECT:** Resolution

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING ONE CERTAIN DEDICATION OF PROPERTY FROM PROPERTY OWNERS, PACC DEVELOPMENT, LLC AND ECATS 2, LLC; AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The Town of Davie desires to utilize certain portions of SW 26<sup>th</sup> Street for the benefit of the residents of Davie for the construction and maintenance of a recreational/equestrian trail upon said property that will connect to and enlarge the existing Town of Davie trail system. In order to accomplish this goal, the Town Staff has obtained from the abutting property owners, PACC Development, LLC and ECATS 2, LLC, a Dedication of Property needed by the Town for the construction of the improvements. Pursuant to the Grantors' request, a provision has been included that the Grantors have agreed to sign this Dedication of Property prior to the Town Council's approval of an Ordinance vacating said property and contingent upon the Town Council's approval of the Vacation Ordinance which is to be approved on second reading concurrently with the Council's approval and acceptance of this Dedication of Property. The Town Council's approval of the accompanying Resolution is needed in order to accept the Dedication of Property and to authorize the recordation of same in the Public Records of Broward County, Florida.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** concurrently with the approval of this Resolution, the Town Council is being asked to approve the ordinance vacating the subject property.

**FISCAL IMPACT:** N/A

**RECOMMENDATION(S):** the attached Resolution is in acceptable legal form for presentment to the Town Council for its consideration.

**ATTACHMENTS:** Resolution, Dedication of Property and legal description

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING ONE CERTAIN DEDICATION OF PROPERTY FROM PROPERTY OWNERS, PACC DEVELOPMENT, LLC AND ECATS 2, LLC; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, PACC Development, LLC, and ECATS 2, LLC, c/o Rhon Ernest-Jones Consulting Engineers, Inc., referred to herein as “Grantors”, are the fee simple owners of certain lands situate in Broward County, Florida, as more specifically described in Exhibit “A”, attached hereto and incorporated herein by reference and referred to herein as the “Property”; and

WHEREAS, the Property was previously dedicated to the Town of Davie for the specific purpose of constructing certain portions of SW 26<sup>th</sup> Street as indicated within Plat Book 2, Page 17, of the Public Records of Dade County, and Plat Book 15, Page 5, of the Public Records of Broward County, said lands lying in Broward County and such road right-of-ways have substantially been vacated by the Town of Davie; and

WHEREAS, the Town of Davie desires to utilize the Property for the benefit of the residents of Davie; and

WHEREAS, the Town of Davie desires the construction of a recreational/equestrian trail upon the Property that will connect to and enlarge an existing trail system; and

WHEREAS, the Grantors have agreed to grant and the Town of Davie has agreed to accept this Dedication of Property for the construction of a recreational/equestrian trail on the Property and to connect said trail to the existing Town of Davie trail system for the benefit of the public; and

WHEREAS, the Town has enacted an ordinance vacating said Property, which Property reverted back to the Grantors; and

WHEREAS, the Grantors have executed the Dedication of Property, dedicating said property back to the Town for the purpose of the construction of a recreational/equestrian trail; and

WHEREAS, the Town accepts said property and desires to use said Property as a recreational/equestrian trail.

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 Owners the attached Dedication of Property 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 \_\_\_\_\_, 2006.

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

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.

DEDICATION OF PROPERTY

THIS DEDICATION OF PROPERTY ("Dedication") is given this <sup>18<sup>th</sup></sup> day of ~~May~~, 2006 by PACC Development LLC, 7116 SW 47<sup>th</sup> Street, Miami, Florida 33155 and ECATS 2 LLC. C/O Rhon Ernest-Jones Consulting Engineers Inc., 12500 West Atlantic Blvd., Coral Springs, Florida 33071, ("Grantors"), to the Town of Davie, a municipal corporation of the State of Florida (the "Town"), 6591 Orange Drive, Davie, Florida 33314.

WITNESSETH

WHEREAS, Grantors are the fee simple owners of certain lands situated in Broward County, Florida, as more specifically described in Exhibit "A", attached hereto and incorporated herein by reference and referred to herein as the "Property"; and

WHEREAS, the Property was previously dedicated to the Town of Davie for the specific purpose of constructing certain portions of Southwest 26<sup>th</sup> Street as indicated within Plat Book 2, Page 17 of the Public Records of Dade County, and Plat Book 15, Page 5, of the Public Records of Broward County, said lands lying in Broward County and such road right-of-ways have subsequently been vacated by the Town of Davie; and

WHEREAS, the Town of Davie desires to utilize the Property for the benefit of the residents of Davie; and

WHEREAS, the Town of Davie desires to construct and maintain a recreational/ equestrian trail upon the Property that will connect to and enlarge the existing trail system; and

WHEREAS, PACC Development LLC. and ECATS 2 LLC. C/O Rhon Ernest-Jones Consulting Engineers Inc., as "Grantors" have agreed to grant and the Town of Davie as "Grantee" has agreed to accept this Dedication of Property in order to permit the Town to construct a recreational/ equestrian trail on the Property and connect said trail to the existing Town of Davie trail system for the benefit of the public; and

WHEREAS, the "Grantors" have agreed to sign this dedication of property prior to "Grantee's" Town Council approval of an ordinance vacating said property for the purposes set forth herein, and "Grantors" are signing same contingent upon said Town Council's approval of the vacation ordinance. Sue-J

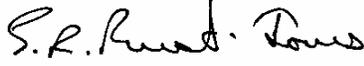
<sup>Grantors</sup> ~~(Developers)~~ NOW, THEREFORE, in consideration of the promises and covenants herein contained, <sup>Sue-J</sup> that this grant, transfer and conveyance shall hereinafter run with the Property and shall be binding upon the Grantors, their heirs, successors or assigns, and shall remain in full force and effect in perpetuity.

1. **Recitations.** The recitations set forth above are true and correct and are incorporated into this Declaration by this reference.
2. **Restrictions.** It is the purpose of this Dedication of Property to allow the Town to construct and maintain upon the Property, a recreational/ equestrian trail for the benefit of the residents of the Town of Davie. Such trail shall be utilized by the public for permitted recreational and equestrian uses solely. It is the further purpose of this Dedication of Property to allow the Town of Davie to connect the recreational/ equestrian trail built upon the Property to the already existing Town of Davie recreational/ equestrian trail system. Accordingly, the Property shall hereinafter not be utilized by the Town as a roadway.
3. **Amendments.** This Dedication of Property shall not be modified, amended or rescinded except by resolution of the Town Council of the Town of Davie. Any amendment, modification or rescission of this Dedication of Property shall be recorded in the Public Records of Broward County, Florida.
4. **Recording of Persons Bound.** This Dedication of Property shall be recorded in the Public Records of Broward County, shall run with the Property in perpetuity, for the sole benefit of the Town of Davie and shall bind all successors and assigns of the Grantors.
5. **Effective Date.** This instrument shall become effective upon recording.
6. **Severability.** The provisions of this document are hereby declared to be severable and independent. If any court of competent jurisdiction shall declare any section, paragraph or part thereof invalid or unenforceable, then judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect.
7. **Authority to Bind.** By execution hereof, the signatories on behalf of the Grantors acknowledge his/her authority to bind the Grantors. Grantors acknowledge the validity and binding nature of this Dedication of Property upon each entity and their respective successors and assigns.
8. **Construction.** The terms and conditions of this Dedication of Property shall be construed and governed in accordance with the laws of the State of Florida. In the event of any dispute hereunder or any action to interpret or enforce this Agreement, the venue of such actions shall be exclusively in the Seventeenth Judicial Circuit, in and for Broward County Florida. Any costs, including but not limited to reasonable attorney's fees and administrative, trial and appellate court costs which are incurred in enforcing the terms and restrictions of this Dedication of Property shall be borne by and recoverable against the non-prevailing party in such proceeding.

ECATS 2 LLC C/O RHON ERNEST-JONES  
CONSULTING ENGINEERS, INC.

Witness 

Craig Bencz  
Type, Print Name

BY:   
S. Rhon Ernest-Jones  
MANAGING MEMBER

Witness 

Type, Print Name BRIAN STREET

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 19<sup>TH</sup> day of MAY,  
2006, by S. Rhon Ernest-Jones, Managing Member, of ECATS 2 LLC C/O RHON  
ERNEST-JONES CONSULTING ENGINEERS, INC., who  is personally known to me, or  
who produced \_\_\_\_\_ as identification, and who did not take an oath.

My Commission Expires:  
9/4/09

  
Notary Public, State of Florida, at Large.

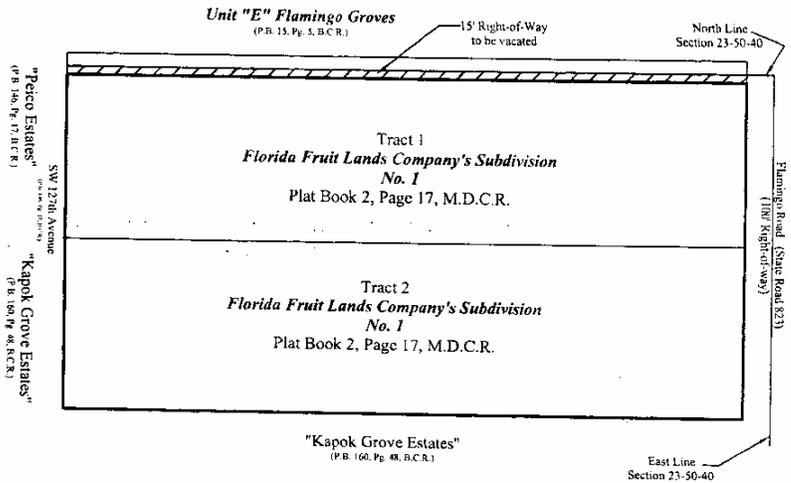
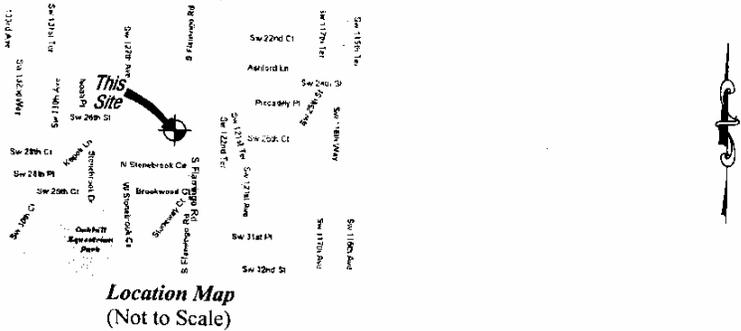
Print, Type, or Stamp Name

NOTARY PUBLIC-STATE OF FLORIDA  
 Teresa P. Braud  
Commission # DD456032  
Expires: SEP 04, 2009  
Bonded Thru Atlantic Bonding Co., Inc.

**Patriot Surveying and Mapping, Inc.**  
 3748 NW 124th Avenue Coral Springs, Florida 33065  
 Phone: (954) 509-0083 Fax: (954) 301-2623  
 LB # 7303

- Sketch and Description -  
**Right-Of-Way Vacation**

Sheet 1 of 3



*Dennis J. Gabriele*  
 4-21-06

Dennis J. Gabriele  
 Professional Surveyor and Mapper No. LS5709  
 State of Florida

Not Valid without the signature  
 and original raised seal of a Florida  
 licensed Surveyor and Mapper

Updates and Revisions	Date	By	QC

NOTE: The undersigned and PATRIOT SURVEYING AND MAPPING, INC. make no representations or guarantees as to the completeness of the information reflected herein pertaining to easements, right-of-way, set-back lines, reservations, agreements or other matters of record. This instrument is intended to reflect or set forth only those items shown in the references above. PATRIOT SURVEYING AND MAPPING, INC. did not research the public records for matters affecting the lands shown. This instrument is the property of PATRIOT SURVEYING AND MAPPING, INC. and shall not be reproduced in whole or in part without written permission of PATRIOT SURVEYING AND MAPPING, INC.

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# Patriot Surveying and Mapping, Inc.

3748 NW 124th Avenue Coral Springs, Florida 33065

Phone: (954) 509-0083 Fax: (954) 301-2623

LB # 7303

## - Sketch and Description -

Sheet 2 of 3

"Peico Estates"  
(P.B. 146, Pg. 17, B.C.R.)

SW 127th Avenue

S 00°08'35" E  
15.00'



Florida Fruit Lands Company's Subdivision  
 Plat Book 2, Page 17, M.D.C.R.

Unit "E" Flamingo Groves  
 (P.B. 146, Sheet 1)

Tract 1  
 N 89°46'20" E 1.270.89'  
 S 89°46'20" W 1.270.90'  
 North Line Section 23-50-40

N 00°08'27" W  
15.00'

P.O.B.

Flamingo Road (State Road 823)  
(100' Right-of-way)

P.O.C.  
Northeast corner  
Section 23-50-40

**Survey Notes**

1. Bearing Reference: The Bearings shown hereon are referenced to the Florida Department of Transportation Right of Way Map for Flamingo Road (State Road 823) Section number 86190-2516.
2. P.B. denotes Plat Book
3. Pg. denotes Page
4. B.C.R. denotes Broward County Records
5. M.D.C.R. denotes Miami-Dade County Records
6. This is not a survey, but only a graphic depiction shown hereon. No boundary corners were set in the field related to this sketch.

Updates and Revisions	Date	By	QC	NOTE: The undersigned and PATRIOT SURVEYING AND MAPPING, INC. make no representations or guarantees as to the completeness of the information reflected hereon pertaining to easements, right-of-way, set back lines, reservations, agreements or other matters of record. This instrument is intended to reflect or set forth only those items shown in the references above. PATRIOT SURVEYING AND MAPPING, INC. did not research the public records for matters affecting the lands shown. This instrument is the property of PATRIOT SURVEYING AND MAPPING, INC. and shall not be reproduced in whole or in part without written permission of PATRIOT SURVEYING AND MAPPING, INC.
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Sheet 3 of 3

**- Legal Description -**

A parcel of land lying in Section 23, Township 50 South, Range 40 East, Broward County, Florida, being more particularly described as follows:

**Commence** at the Northeast corner of said Section 23;  
Thence, South 89°46'20" West, along the North line of Section 23, a distance of 50.00 feet to a point on the West Right-of-Way line of State Road 823 (Flamingo Road), and the **Point of Beginning**;  
Thence, continue along the North line of Section 23, South 89°46'20" West, a distance of 1,270.90 feet;  
Thence, South 00°08'35" East, a distance of 15.00 feet to the Northwest corner of Tract 1, **Florida Fruit Lands Company's Subdivision No. 1**, according to the plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida;  
Thence, North 89°46'20" East, along the North line of said Tract 1, a distance of 1,270.89 feet to a point on the West Right-Of-Way line of State Road 823 (Flamingo Road);  
Thence, North 00°08'27" West, along the West line of State Road 823, a distance of 15.00 feet to the **Point of Beginning**.

Said lands lying and being in the Town of Davie, Broward County, Florida, and containing 19,063 square feet (0.438 acres) more or less.

DEDICATION OF PROPERTY

THIS DEDICATION OF PROPERTY ("Dedication") is given this \_\_\_ day of \_\_\_\_, 2006 by PACC Development LLC, 7116 SW 47<sup>th</sup> Street, Miami, Florida 33155 and ECATS 2 LLC. C/O Rhon Ernest-Jones Consulting Engineers Inc., 12500 West Atlantic Blvd., Coral Springs, Florida 33071, ("Grantors"), to the Town of Davie, a municipal corporation of the State of Florida (the "Town"), 6591 Orange Drive, Davie, Florida 33314.

WITNESSETH

WHEREAS, Grantors are the fee simple owners of certain lands situated in Broward County, Florida, as more specifically described in Exhibit "A", attached hereto and incorporated herein by reference and referred to herein as the "Property"; and

WHEREAS, the Property was previously dedicated to the Town of Davie for the specific purpose of constructing certain portions of Southwest 26<sup>th</sup> Street as indicated within Plat Book 2, Page 17 of the Public Records of Dade County, and Plat Book 15, Page 5, of the Public Records of Broward County, said lands lying in Broward County and such road right-of-ways have subsequently been vacated by the Town of Davie; and

WHEREAS, the Town of Davie desires to utilize the Property for the benefit of the residents of Davie; and

WHEREAS, the Town of Davie desires to construct and maintain a recreational/ equestrian trail upon the Property that will connect to and enlarge the existing trail system; and

WHEREAS, PACC Development LLC. and ECATS 2 LLC. C/O Rhon Ernest-Jones Consulting Engineers Inc., as "Grantors" have agreed to grant and the Town of Davie as "Grantee" has agreed to accept this Dedication of Property in order to permit the Town to construct a recreational/ equestrian trail on the Property and connect said trail to the existing Town of Davie trail system for the benefit of the public; and

WHEREAS, the "Grantors" have agreed to sign this dedication of property prior to "Grantee's" Town Council approval of an ordinance vacating said property for the purposes said forth herein, and "Grantors" are signing same contingent upon said Town Council's approval of the vacation ordinance.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, (Developers) hereby grant, transfer and convey the subject Property to the Town of Davie and declare that this grant, transfer and conveyance shall hereinafter run with the Property and shall be binding upon the Grantors, their heirs, successors or assigns, and shall remain in full force and effect in perpetuity.

1. **Recitations.** The recitations set forth above are true and correct and are incorporated into this Declaration by this reference.
2. **Restrictions.** It is the purpose of this Dedication of Property to allow the Town to construct and maintain upon the Property, a recreational/ equestrian trail for the benefit of the residents of the Town of Davie. Such trail shall be utilized by the public for permitted recreational and equestrian uses solely. It is the further purpose of this Dedication of Property to allow the Town of Davie to connect the recreational/ equestrian trail built upon the Property to the already existing Town of Davie recreational/ equestrian trail system. Accordingly, the Property shall hereinafter not be utilized by the Town as a roadway.
3. **Amendments.** This Dedication of Property shall not be modified, amended or rescinded except by resolution of the Town Council of the Town of Davie. Any amendment, modification or rescision of this Dedication of Property shall be recorded in the Public Records of Broward County, Florida.
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5. **Effective Date.** This instrument shall become effective upon recording.
6. **Severability.** The provisions of this document are hereby declared to be severable and independent. If any court of competent jurisdiction shall declare any section, paragraph or part thereof invalid or unenforceable, then judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect.
7. **Authority to Bind.** By execution hereof, the signatories on behalf of the Grantors acknowledge his/her authority to bind the Grantors. Grantors acknowledge the validity and binding nature of this Dedication of Property upon each entity and their respective successors and assigns.
8. **Construction.** The terms and conditions of this Dedication of Property shall be construed and governed in accordance with the laws of the State of Florida. In the event of any dispute hereunder or any action to interpret or enforce this Agreement, the venue of such actions shall be exclusively in the Seventeenth Judicial Circuit, in and for Broward County Florida. Any costs, including but not limited to reasonable attorney's fees and administrative, trial and appellate court costs which are incurred in enforcing the terms and restrictions of this Dedication of Property shall be borne by and recoverable against the non-prevailing party in such proceeding.

PACC DEVELOPMENT LLC

Karol Barraso  
Witness

BY: [Signature]

KAROL BARROSO

Type, Print Name CARLOS CASTELLANOS

Witness Antonio C. Villanueva

Type, Print Name [Signature]

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 24 day of May, 2006, by Carlos Castellanos, of PACC DEVELOPMENT LLC, who  is personally known to me, or who produced \_\_\_\_\_ as identification, and who did not take an oath.

My Commission Expires:

Notary Public, State of Florida, at Large.



Print, Type, or Stamp Name





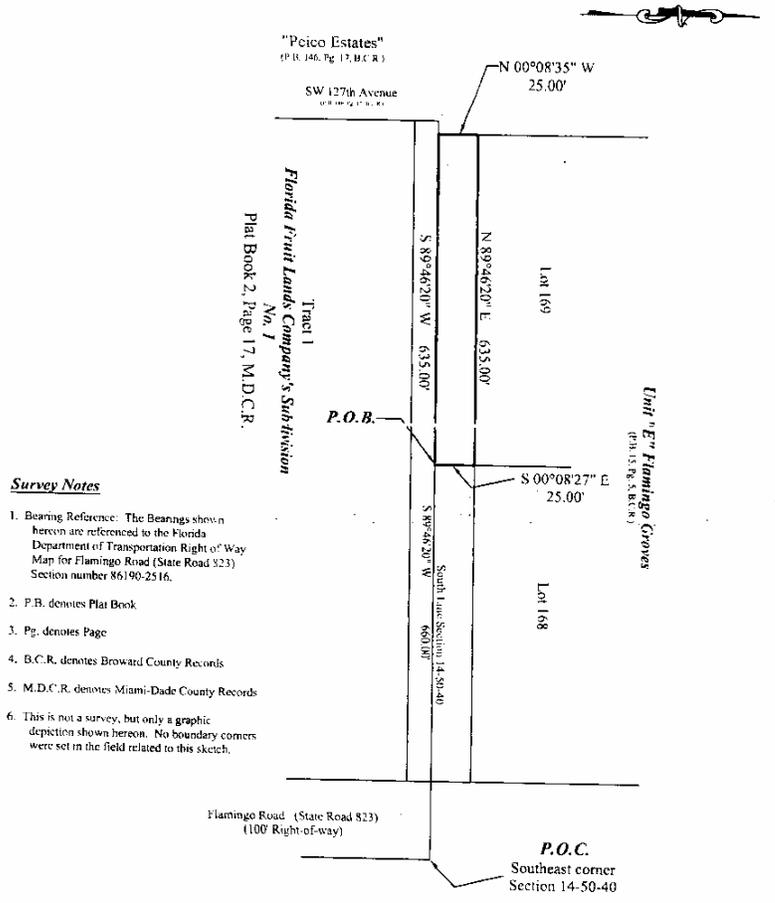
# Patriot Surveying and Mapping, Inc.

3748 NW 124th Avenue Coral Springs, Florida 33065  
 Phone: (954) 509-0083 Fax: (954) 301-2623

LB # 7303

## - Sketch and Description -

Sheet 2 of 3



**Survey Notes**

1. Bearing Reference: The Bearings shown herein are referenced to the Florida Department of Transportation Right-of-Way Map for Flamingo Road (State Road 823) Section number 86190-2516.
2. P.B. denotes Plat Book
3. Pg. denotes Page
4. B.C.R. denotes Broward County Records
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6. This is not a survey, but only a graphic depiction shown hereon. No boundary corners were set in the field related to this sketch.

Updates and Revisions	Date	By	QC	NOTE: The undersigned and PATRIOT SURVEYING AND MAPPING, INC. make no representations or guarantees as to the completeness of the information reflected hereon pertaining to easements, right-of-way, set-back lines, reservations, agreements or other matters of record. This instrument is intended to reflect or set forth only those items shown in the references above. PATRIOT SURVEYING AND MAPPING, INC. did not research the public records for matters affecting the lands shown. This instrument is the property of PATRIOT SURVEYING AND MAPPING, INC. and shall not be reproduced in whole or in part without written permission of PATRIOT SURVEYING AND MAPPING, INC.
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Phone: (954) 509-0083

Fax: (954) 301-2623

Sheet 3 of 3

## - Legal Description -

A parcel of land lying in Section 14, Township 50 South, Range 40 East, Broward County, Florida, being more particularly described as follows:

**Commence** at the Southeast corner of said Section 14;

Thence, South 89°46'20" West, along the South line of Section 14, a distance of 660.00 feet the **Point of Beginning**;

Thence, continue along the South line of Section 14, South 89°46'20" West, a distance of 635.00 feet;

Thence, North 00°08'35" West, a distance of 25.00 feet to the Southwest corner of Lot 169, **Unit "E"**

**Flamingo Groves**, according to the plat thereof, as recorded in Plat Book 15, Page 5, of the Public Records of Broward County, Florida;

Thence, North 89°46'20" East, along the South line of said Lot 169, a distance of 635.00 feet to the Southeast corner of said Lot 169;

Thence, South 00°08'27" East, a distance of 25.00 feet to the **Point of Beginning**.

Said lands lying and being in the Town of Davie, Broward County, Florida, and containing 15,875 square feet (0.364 acres) more or less.

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