

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director 954-797-1101

PREPARED BY: Larry A. Peters, P.E., Town Engineer 954-797-1113

SUBJECT: Resolution

AFFECTED DISTRICT: District 2

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE FLORIDA, ACCEPTING THE UTILITY EASEMENT WITH EASTERN FINANCIAL FLORIDA CREDIT UNION AND AUTHORIZING THE PROPER TOWN OFFICIALS TO EXECUTE THE UTILITY EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The Town Engineering Staff has determined that it is in the best interest of the Town of Davie to accept the Utility Easement with Eastern Financial Florida Credit Union. A copy of the utility easement is attached to the accompanying Resolution and Town Council approval is necessary for the Town to accept the needed utility easement and to authorize the recordation of same in the Public Records of Broward County, Florida.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S):

Attachment(s): Resolution, utility easement, and sketch of survey

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE UTILITY EASEMENT WITH EASTERN FINANCIAL FLORIDA CREDIT UNION AND AUTHORIZING THE PROPER TOWN OFFICIALS TO EXECUTE THE UTILITY EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie deems it to be in the best interests of the Town to accept the Utility Easement with Target Corporation and authorize the proper Town officials to execute the Utility Easement; and

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

SECTION 1. The foregoing "Whereas" clause is hereby ratified and confirmed as being true and correct and is incorporated herein by this reference.

SECTION 2. In accepting the recommendation of Town staff, the Town Council of the Town of Davie, Florida, hereby accepts the Utility Easement with Eastern Financial Florida Credit Union and authorizes the proper Town officials to execute a the Utility Easement; a copy of which is attached as Exhibit "A".

SECTION 3. The Town Council hereby authorizes the proper Town officials to record the documents in the Public Records of Broward County, Florida.

SECTION 4. This resolution shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2007

MAYOR/COUNCIL MEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007

**TOWN OF DAVIE
DEVELOPMENT SERVICES DEPARTMENT ENGINEERING DIVISION
UTILITY EASEMENT AGREEMENT**

This document prepared by:
Town of Davie Engineering Div.
6591 Orange Drive
Davie, Florida 33314-3399

Return to:
Town of Davie Administrative Services
6591 Orange Drive
Davie, Florida 33314-3399

Utility Easement

This utility easement executed this December 20 [date], 2006 - Eastern Financial Florida Credit Union, (Grantors) whose address is 3700 Lakeside Drive, Miramar, Florida 33027 in which Grantors swear that Grantors are the legal owners of the referenced property and convey to the Town of Davie, Florida, municipal corporation, located in Broward County, Florida [Grantee] an utility easement.

Grantors warrant the Grantors are the fee owners of certain real estate situated in the Town of Davie, County of Broward, State of Florida, which is legally described in Exhibit A attached here to and incorporated herein by referenced, referred to hereafter as the "easement premises"; and

Grantors hereto have determined that is in Grantors best interest for the grantors to grant the Town of Davie an easement in and along the easement premises for utility purposes:

Therefore, in consideration of the foregoing:

1. The grantors hereby grant and convey to the Town of Davie a perpetual utility easement (which can be over, under and across the easement premises), including the right to ingress and egress to the easement, for construction, reconstruction, alteration, maintenance and repair (to the extent the Town of Davie considers desirable) of pipes and other necessary or desirable appurtenances to and/or for a utility system and/or utility facilities, the easement premises being described as follows which are located in Broward County, Florida:

Exhibit A – Easement Premises Legal Description

2. All rights, title and privileges to the easement herein granted shall run with the land and shall be binding upon Grantors and all persons claiming by, through or under Grantors and insure to the benefit of the Town of Davie, Florida, its successors and against all persons claiming by, through or under Grantor.

Utility Easement Agreement

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals to this Utility Easement this 20 day of December, 2006.

WITNESSES:

[Signature]
Print Name: Kyle Jones

[Signature]
Print Name: MICHAEL COFFEY

GRANTORS:

[Signature]
Grantor: VP Director
EASTERN Financial Florida Credit Co.

Grantor: _____

STATE OF FLORIDA :
SS :
COUNTY OF BROWARD :

The foregoing instrument was acknowledge before me this 20 day of December 2006, by Dina Ramos and _____ who are personally known to me or have produced FL Driver Lic. as identification and who did/did not take an oath.

[Signature]
Notary Public

Barbara L. Hansen
Printed Name of Notary

My Commission Expires:



WITNESSES:

Print Name: _____

Print Name: _____

GRANTEE:

Print Name: _____

V:\Twp-Rng-Sec\50-41-33\04-00013\DOCS\EasternFinancial-TownofDavieUtilityEasementAgreement-121506.doc

P.O.C.

NORTHWEST CORNER
PARCEL 'A'
(P.B. 161, PG. 24, B.C.R.)

P.O.B.

N01°54'16"W
15.00'

50'x25' EGRESS EASEMENT
(RESTRICTED TO RIGHT TURNS EGRESS ONLY)
(P.B. 128, PG. 25, B.C.R.)

TRACT 'A'
"UNIVERSITY LAKE PROFESSIONAL PLAZA"
(P.B. 128, PG. 25, B.C.R.)

SOUTH LINE TRACT 'A'
(P.B. 128, PG. 25, B.C.R.)

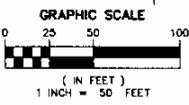
15' UTILITY EASEMENT
(P.B. 128, PG. 25, B.C.R.)

NORTH LINE PARCEL 'A'
(P.B. 161, PG. 24, B.C.R.)

6' UTILITY EASEMENT
(P.B. 161, PG. 24, B.C.R.)

50'x25' INGRESS EASEMENT
(RESTRICTED TO RIGHT TURNS IN ONLY)
(P.B. 161, PG. 24, B.C.R.)

- LEGEND:
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
P.B. = PLAT BOOK
PG. = PAGE
D.B. = DEED BOOK
O.R.B. = OFFICIAL RECORDS BOOK
B.C.R. = BROWARD COUNTY RECORDS
D.C.R. = DADE COUNTY RECORDS
D.T. = ORDER OF TAKING
RAD.P. = RADIUS POINT
+++++ = NON-VEHICULAR ACCESS LINE
T.I.F. = BOARD OF TRUSTEES OF THE
INTERNAL IMPROVEMENT TRUST
FUND OF THE STATE OF FLORIDA
A = CENTRAL ANGLE
R = RADIUS
L = LENGTH



PARCEL 'A'
"MEEK'S FARMS"
PG. 24, B.C.R.
(P.B. 161)

SOUTH LINE PARCEL 'A'
(P.B. 161, PG. 24, B.C.R.)

6' UTILITY EASEMENT
(P.B. 161, PG. 24, B.C.R.)

50'x62' TRAFFIC CONTROL EASEMENT
(P.B. 171, PG. 85, B.C.R.)

50'x124' ACCESS EASEMENT
(P.B. 171, PG. 85, B.C.R.)

TRACT 'A'
WOLF FAMILY PLAT
(P.B. 171, PG. 85, B.C.R.)

12' UTILITY EASEMENT
(P.B. 171, PG. 85, B.C.R.)

20' DRAINAGE EASEMENT
(P.B. 171, PG. 85, B.C.R.)

NORTH LINE TRACT 'A'
(P.B. 171, PG. 85, B.C.R.)

MILLER LEGG
South Florida Office: 1800 North Douglas Road - Suite 200
Pembroke Pines, Florida 33024-3200
954-436-7000 · Fax: 954-436-8864
www.millerlegg.com

Certificate of Authorization L.R. 0080

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

SKETCH AND DESCRIPTION

PROJECT NO.
03-00284

FILE NO.
11-1C-238