

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 97-66 WHICH WAS AN ORDINANCE CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG TO CF, BY CORRECTING THE LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council on the 19th day of November, 1997, adopted Ordinance No. 97-66 which was an ordinance changing the classification of certain lands within the Town of Davie from AG to CF; and

WHEREAS, prior to adoption, the applicant voluntarily reduced the land area of the requested rezoning; and

WHEREAS, the legal description attached as Exhibit "A" to said Ordinance described the original parcel prior to the applicant's reduction of land area, and was therefore incorrect and did not accomplish the direction of the Town Council or the wishes of the applicant; and

WHEREAS, the applicant volunteered to record certain deed restrictions associated with the rezoning request, which declaration of restrictions correctly described the reduced property the applicant and Town Council intended to rezone; and

WHEREAS, the Town of Davie wishes to clarify and correct the legal description attached as Exhibit "A" to said Ordinance in order to reduce the land area that was affected by the ordinance to that intended at the time of adoption.

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

SECTION 1. The property described in Exhibit "A," attached hereto and made a part hereof, remains zoned CF, and the balance of the land rezoned from AG to CF by Ordinance 97-66 shall have its original AG District zoning restored:

- a. Exhibit "A" replaces the legal description provided by Ordinance 97-66.
- b. The applicant has recorded Deed Restrictions associated with Ordinance 97-66 which are attached hereto and made a part hereof as Exhibit "B", which said undertaking shall be binding upon the applicant and its successors in title.

SECTION 2. This Ordinance amends and corrects Ordinance No. 97-66 of the Town of Davie which was adopted on November 19th, 1997, and supersedes said Ordinance with regard to any provisions therein inconsistent with this Ordinance.

SECTION 3. 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 portions of this Ordinance.

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

PASSED ON FIRST READING THIS _____ DAY OF _____, 1999.

PASSED ON SECOND READING THIS _____ DAY OF _____, 1999.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 1999.

DEVELOPMENT SERVICES DEPARTMENT

Planning & Zoning Division

MEMORANDUM

PZ 03-09-99

3/17/99 COUNCIL AGENDA ITEM

TO: Robert Rawls, Interim Town Administrator

FROM: Mark A. Kutney, AICP, Development Services Director

BY: Jeff Katims, AICP, Planner II

DATE: March 12, 1999

RE: Corrective Ordinance

The attached Ordinance corrects Ordinance 97-66 which rezoned 5 acres located at 2550 Flamingo Road, owned by Raymond Moses, from AG to CF. Prior to Council approving Ordinance 97-66, the applicant reduced the land area requested for rezoning to 2.4 acres, however, the legal description in the adopted Ordinance did not reflect the reduction in land area. This Ordinance will cause the 2.6 acres that should not have been rezoned to revert to the previous AG District zoning. Deed restrictions associated with Ordinance 97-66 were recorded with the proper legal description, and remain in force. A day care center is proposed for the site.

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL "A"

A PORTION OF LAND IN THE WEST ONE-HALF OF TRACT 42 IN SECTION 13, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT OF "FLORIDA FRUITLANDS COMPANY SUBDIVISION NO. 1 AS RECORDED IN PLAT BOOK 2, PAGE 17 (DADE) OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AS FOLLOWS : COMMENCING AT THE SW CORNER OF SAID SECTION 13, THENCE SOUTH 89 DEGREES 42' 27" EAST 660.01 FEET ALONG THE SOUTH LINE OF SAID SECTION 13; THENCE NORTH 0 DEGREES 09'56" WEST, 358.75 TO THE POINT OF BEGINNING, SAID POINT ALSO LYING ON THE ARC OF A CURVE TO THE LEFT, A RADIAL AT SAID POINT BEARING SOUTH 60 DEGREES 55'20" WEST; THENCE ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 59.83 FEET AND A CENTRAL ANGLE OF 61 DEGREES 12'24", AN ARC DISTANCE OF 63.92 FEET TO A POINT OF TANGENCY; THENCE SOUTH 89 DEGREES 42'46" WEST, 266.37 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF THE SAID CURVE HAVING A RADIUS OF 71.00 FEET AND A CENTRAL ANGLE OF 90 DEGREES 07'11", AN ARC DISTANCE OF 111.67 FEET TO A POINT OF TANGENCY; THENCE NORTH 0 DEGREES 10'03" WEST, 195.00 FEET; THENCE NORTH 89 DEGREES 43'24" EAST, 390.03 FEET; THENCE SOUTH 0 DEGREES 09'56" EAST, 297.09 FEET TO THE POINT OF BEGINNING; SAID LANDS SITUATE LYING AND BEING IN BROWARD COUNTY, FLORIDA AND CONTAINING 2.369 ACRES MORE OR LESS.

BK 28180 PG 0791

RECORDED IN THE OFFICIAL RECORDS BOOK
OF BROWARD COUNTY, FLORIDA
COUNTY ADMINISTRATOR

Prepared by:
Raymond M. Moses
3651 SW 116 Ave, Davie, FL 33330
Return to:
Town of Davie, Town Clerk's Office
6591 Orange Dr, Davie, FL 33314

98-270163 T#001
05-08-98 12:02PM

97-66p

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS THAT the undersigned, Raymond M. Moses and Baldwate Moses, whose mailing address is 3651 SW 116th Avenue, Davie, FL 33330, being the owner(s) of that certain property located in the Town of Davie, Broward County, Florida, and described on Exhibit "A" attached hereto and made a part hereof, voluntarily make the following Declaration of Restriction 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. That the use of the property described in Exhibit "A" shall be restricted to the operation of a Daycare Center, Preschool, Private School.
2. That the Preschool facility shall not exceed 15000 square feet in total area.
3. 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.
4. Invalidation of any one portion of this Declaration of Restrictions or any portion of the document by judgement or court order shall in no way affect any other provisions which shall remain in full force and effect.
5. This Declaration or Restrictions is executed for the purpose of protecting the health, safety and welfare of the citizens of the Town of Davie, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10th day of November, 1997

Signed, sealed and delivered

Witness
PRINT Robert L Gossett

Witness
PRINT MAURICE J. DYKES

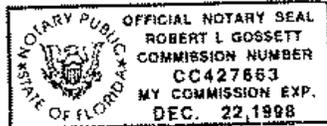
BY: Raymond M. Moses
Baldwate Moses

DEFERRED ITEM
Return Document To
Business Operations

BK 28180PG0790

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 10th day of November, 1997
by Raymond M. Moses and Baldwate Moses who is
personally known to me or produced drivers licenses as identification.



Robert L Gossett

78-1-2-97

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