



# Town Council Agenda Report

**SUBJECT:** Ordinance

**TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING AN EASEMENT FROM CYNTHIA MARIE LAWSON, AN UNMARRIED WOMAN, CONVEYING INTEREST IN CERTAIN PROPERTY FOR USE AS A UTILITY EASEMENT AND PROVIDING AN EFFECTIVE DATE

**REPORT IN BRIEF:**

The Town is working together with Howard Zimmerman to develop a right turn/deceleration storage lane on Orange Drive and Hiatus Road. This project is required as a traffic concurrency mitigation project and is funded by the developer of Imagination Farms. The attached conveyance provides utility easement for relocation of public utilities within this area to facilitate construction.

**PREVIOUS ACTIONS:**

N/A

**CONCURRENCES:**

N/A

**FISCAL IMPACT:**

Has request been budgeted? N/A

**RECOMMENDATION(S):**

Motion to Approve

**Attachment(s):**

Ordinance  
Utility Easement  
Site Location Map  
Site Location Aerial

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING AN EASEMENT FROM CYNTHIA MARIE LAWSON, AN UNMARRIED WOMAN, CONVEYING INTEREST IN CERTAIN PROPERTY FOR USE AS A UTILITY EASEMENT AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Cynthia Marie Lawson, an unmarried woman, wishes to convey interest in land for public utilities, and in furtherance thereof has tendered a Utility Easement, attached hereto as "Exhibit A", to the Town of Davie.

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

SECTION 1. The grants of easement conveyed by the document attached hereto as "Exhibit A", is hereby accepted by the Town of Davie.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court or 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 . 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 \_\_\_\_\_, 2000

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

ATTEST:

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

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000

# UTILITY EASEMENT

Prepared by: Robert Rawls  
Return to: Town of Davie  
Town Clerk's Office  
6591 Orange Drive  
Davie FL 33314

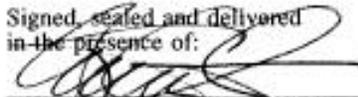
Owners: Cynthia Marie Lawson whose post office address is 11101 Orange Drive, Davie, Florida 33328.

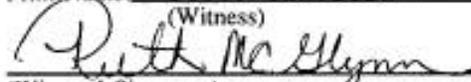
The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and dedicate to the Town of Davie, whose post office address is 6591 Orange Drive, Davie, Florida 33314, a non-exclusive public utility easement forever for the construction, operation and maintenance of overhead and underground public utility facilities (including, but not limited to wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right for public utilities, their licenses, agents, successors and assigns, to reconstruct, improve, add to, enlarge, change the voltage and cable, as well as the size of and remove such facilities or any of them within an easement described in Exhibit "A" attached hereto and made a part hereof.

Together with the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and of other obstructions within the easement area, to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution. Construction of all utility facilities within the easement property shall be performed and paid for by the Utility performing the construction or parties other than the Owner (Grantor/First Party). All facilities and property within the easement parcel shall be maintained at the sole expense of the Town of Davie. Grantor shall have no maintenance obligation within the easement property. Grantor reserves the right to cross the easement parcel with driveways or other access facilities for ingress and egress as to her adjacent parcel. Any such improvements by the property owner are subject to all appropriate regulatory approvals.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on the 2nd day of Sept., 1999.

Signed, sealed and delivered  
in the presence of:

  
\_\_\_\_\_  
(Witness Signature)  
Print Name: Steve Ginestra

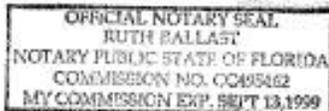
  
\_\_\_\_\_  
(Witness Signature)  
Print Name: Ruth McGlynn  
(Witness)

  
\_\_\_\_\_  
By: (Grantor's Signature)  
Print Name: Cynthia Marie Lawson  
Print Address: 11101 Orange Drive  
Davie, Florida 33328

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 2nd day of September, 1999, by CYNTHIA MARIE LAWSON who is personally known to me or has produced \_\_\_\_\_ as identification, and who did (~~did not~~) take an oath.

My Commission Expires:



  
\_\_\_\_\_  
Notary Public, Signature  
Print Name: Ruth Ballast

**CONSENT OF MORTGAGEE**

The undersigned Mortgagee, owner and holder of that certain mortgage dated the 12th day of December, 1997, and recorded in Broward County, Florida in Official Records Book 27466 at Page 676, in favor of American Bank of Hollywood, a Florida banking corporation, does hereby agree and consent to the terms of this Utility Easement.

Signed, sealed and delivered  
in the presence of:

WACHOVIA BANK, N.A., a national banking  
corporation, successor by merger to American  
Bank of Hollywood, a Florida banking  
corporation

[Signature]  
(Witness' Signature)  
Print Name: Reese A. Jamison IV  
(Witness)

By: [Signature]  
Signature: Carolyn Brewer, Vice  
Print Name & Title: President-Financial  
Print Address: 980 North Federal Highway Advisor  
Boca Raton, FL 33432

[Signature]  
(Witness' Signature)  
Print Name: JOAN E. HABER  
(Witness)

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 1st day of October, 1999, by Carolyn Brewer as Vice President\*, of WACHOVIA BANK, N.A., a national banking corporation, as successor by merger to American Bank of Hollywood, a Florida banking corporation, who is personally known to me or has produced \_\_\_\_\_ as identification, and who did (did not) take an oath.

My Commission Expires:

[Signature]  
Notary Public, Signature  
Print Name: \_\_\_\_\_

\*Financial Advisor







**A-1**

**SUBJECT SITE**

Orange Dr.

S. New River Canal

Griffin Rd.

|  |                  |          |
|--|------------------|----------|
| <b>PETITION NUMBER</b>                       |                  | <b>N</b> |
| Lawson - 6' Utility Easement                 |                  | <b>4</b> |
| PREPARED 12/8/99                             | Scale: 1" = 200' |          |
| <b>BY THE PLANNING &amp; ZONING DIVISION</b> |                  |          |

