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 NON-EXCLUSIVE SIDEWALK EASEMENT AND PROVIDING AN EFFECTIVE DATE

REPORT IN BRIEF:

The Town is desirous of developing a sidewalk section along Hiatus Road linking the Robbins Open Space Park to the Orange Drive Linear Park. Sufficient right-of-way was not available for this construction and we were successful in securing a donation of the necessary lands from Cynthia Lawson. The attached deeds provide for this conveyance and the construction would be provided from Open Space Funds.

PREVIOUS ACTIONS:

N/A

CONCURRENCES:

N/A

FISCAL IMPACT:

Has request been budgeted? Yes

If yes, expected cost $15,000.00

Account Name: Open Space

RECOMMENDATION(S): Motion to Approve

Attachment(s):

Ordinance
Sidewalk Easement
Site Location Map
Site Location Aerial

Item No.

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 NON-EXCLUSIVE SIDEWALK EASEMENT AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Cynthia Marie Lawson, an unmarried woman, wishes to convey interest in land for non-exclusive Sidewalk Easement, 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 3. 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

NON-EXCLUSIVE SIDEWALK EASEMENT

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

THIS NON-EXCLUSIVE SIDEWALK EASEMENT granted this 2nd day of September, 1999, by CYNTHIA MARIE LAWSON, whose address is 11101 Orange Drive, Davie, Florida 33328, hereinafter called First Party, to the TOWN OF DAVIE, a Municipal Corporation of the State of Florida, whose address is 6591 Orange Drive, Davie, Florida, hereinafter called the Town of Davie.

WITNESSETH:

That the said First Party for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration in hand paid by the Town of Davie, the receipt whereof is hereby acknowledged, does hereby grant and convey to the Town of Davie, its successors and assigns a non-exclusive perpetual sidewalk easement for the purpose of installing, operating and maintaining a sidewalk, together with the right of ingress and egress over such property insofar as such right of ingress and egress is necessary to the use or any other right granted herein, said easement will be located over and across and through the following described property of the First Party:

See EXHIBIT "A" attached hereto

Construction of all facilities within the easement property shall be performed and paid for by 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, I have hereunto set my hand and seal the day and year first above written:

Signed, sealed and delivered in the presence of:

(Witness' Signature)
Print Name: Steve Ginestra
(Witness)

(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:

OFFICIAL NOTARY SEAL
RUTH BALLAST
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC685462
MY COMMISSION EXP. SEPT 13,1999

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 Non-Exclusive Sidewalk Easement.

Signed, sealed and delivered in the presence of:

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

(Witness' Signature)
Print Name: JOAN E. HABEL
(Witness)

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

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

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.

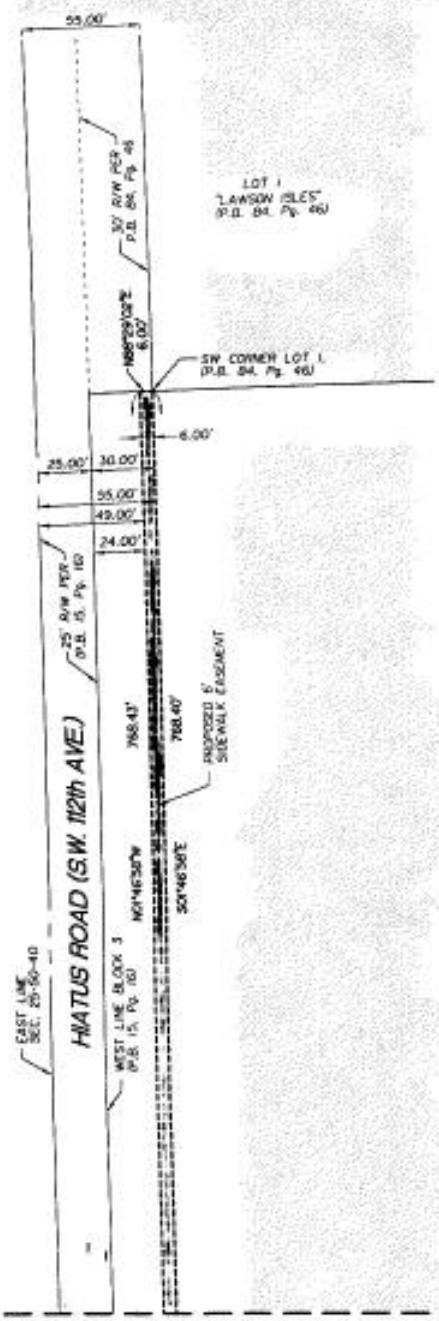
My Commission Expires:

Notary Public, Signature
Print Name

*Financial Advisor

LANA ROSENZWEIG
MY COMMISSION # CC 605284
EXPIRES: February 18, 2001
Bonded Thru Notary Public Underwriters

EXHIBIT "A" (page 1) to Non-Exclusive Sidewalk Easement



DESCRIPTION : (6' SIDEWALK EASEMENT)

A PORTION OF BLOCK 3, "MARTHA BRIGHT FARMS", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID BLOCK 3; THENCE ALONG THE SOUTH LINE OF SAID BLOCK 3 NORTH 88°29'02" EAST (ASSUMED BEARING) 149.93 FEET; THENCE NORTH 01°30'58" WEST 14.45 FEET TO **THE POINT OF BEGINNING**; THENCE SOUTH 89°19'32" WEST 83.43 FEET TO A POINT OF CURVATURE OF A 42.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 88°53'30" AN ARC DISTANCE OF 65.16 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 04°32'03" WEST 29.14 FEET TO A LINE 24.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID BLOCK 3; THENCE ALONG SAID PARALLEL LINE NORTH 01°46'58" WEST 768.43 FEET; THENCE NORTH 88°29'02" EAST 6.00 FEET TO THE SOUTHWEST CORNER OF LOT 1, "LAWSON ISLES" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 84, PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE ALONG A LINE 30.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID BLOCK 3 SOUTH 01°46'58" EAST 768.40 FEET; THENCE SOUTH 04°32'03" EAST 29.14 FEET TO A POINT ON A 36.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE NORTHEAST WHOSE RADIUS POINT BEARS NORTH 88°13'02" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 88°53'30" AN ARC DISTANCE OF 55.85 FEET TO A POINT OF TANGENCY; THENCE NORTH 89°19'32" EAST 83.31 FEET; THENCE SOUTH 01°46'58" EAST 6.00 FEET TO THE **POINT OF BEGINNING**.

SAID LANDS SITUATE, LYING, AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA AND CONTAINING 5,648 SQUARE FEET (0.1297 ACRES) MORE OR LESS.

NOTE:

SUBJECT PROPERTY WAS NOT ABSTRACTED BY THIS FIRM FOR EASEMENTS, RIGHTS-OF-WAY, RESERVATIONS OR OTHER MATTERS OF RECORD AND OWNERSHIP OF PROPERTY WAS NOT DETERMINED.

LEGEND:

P.B.	= PLAT BOOK
P.O.B.	= POINT OF BEGINNING
P.O.C.	= POINT OF COMMENCEMENT
R/W	= RIGHT-OF-WAY
E.O.P.	= EDGE OF PAVEMENT
RAD.	= RADIUS
PT.	= POINT
C. & S.F.F.C.D.	= CENTRAL & SOUTHERN FLORIDA FLOOD CONTROL DISTRICT

GRAPHIC SCALE

50 0 25 50

(IN FEET)

1 inch = 50 ft.

SEE SHEET 2 OF 2 FOR CONTINUATION SOUTH

SKETCH & DESCRIPTION

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

DATE	REVISIONS	DRW	CKD
7/26/08	ADD ACREAGE	GDG	
6/3/08	REVISE CERTIFICATION	GDG	JAG

DRAWN BY: GDG CHECKED BY: JAG

CERTIFIED TO:

CYNTHIA MARIE LAWSON, AMERICAN BANK OF HOLLYWOOD, IT'S SUCCESSORS AND OR ASSIGNS, TOWN OF DAVIE

MILLER LEGG & ASSOCIATES, INC.

ENGINEERS • PLANNERS
LAND SURVEYORS
ENVIRONMENTAL PROFESSIONALS

1800 N. DOUGLAS ROAD, SUITE 200
PEMBROKE PINES, FLORIDA 33024
(954)436-7600 FAX (954)432-1858
CERT OF AUTHORIZATION L.B. 6980

I HEREBY CERTIFY THAT THIS SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

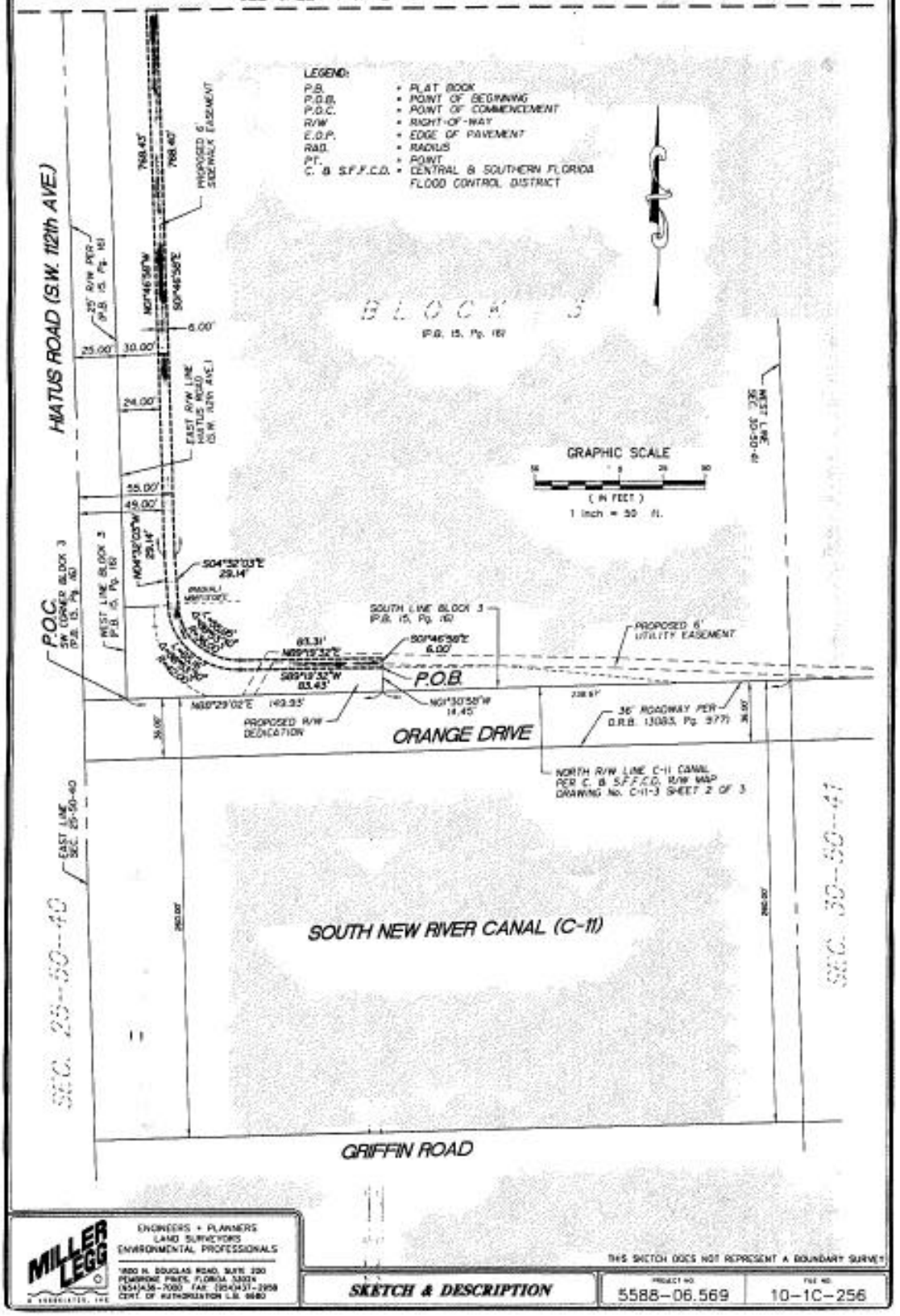
DATED THIS 2nd DAY OF JANUARY, 2008 A.D.

WILLIAM M. LYNCH
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA REGISTRATION No. 4368
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

PROJECT NO. 5588-06.569 FILE NO. 10-1C-256

EXHIBIT "A" (page 2) to Non-Exclusive Sidewalk Easement

SEE SHEET 1 OF 2 FOR CONTINUATION NORTH



MILLER LEGG & ASSOCIATES, INC.
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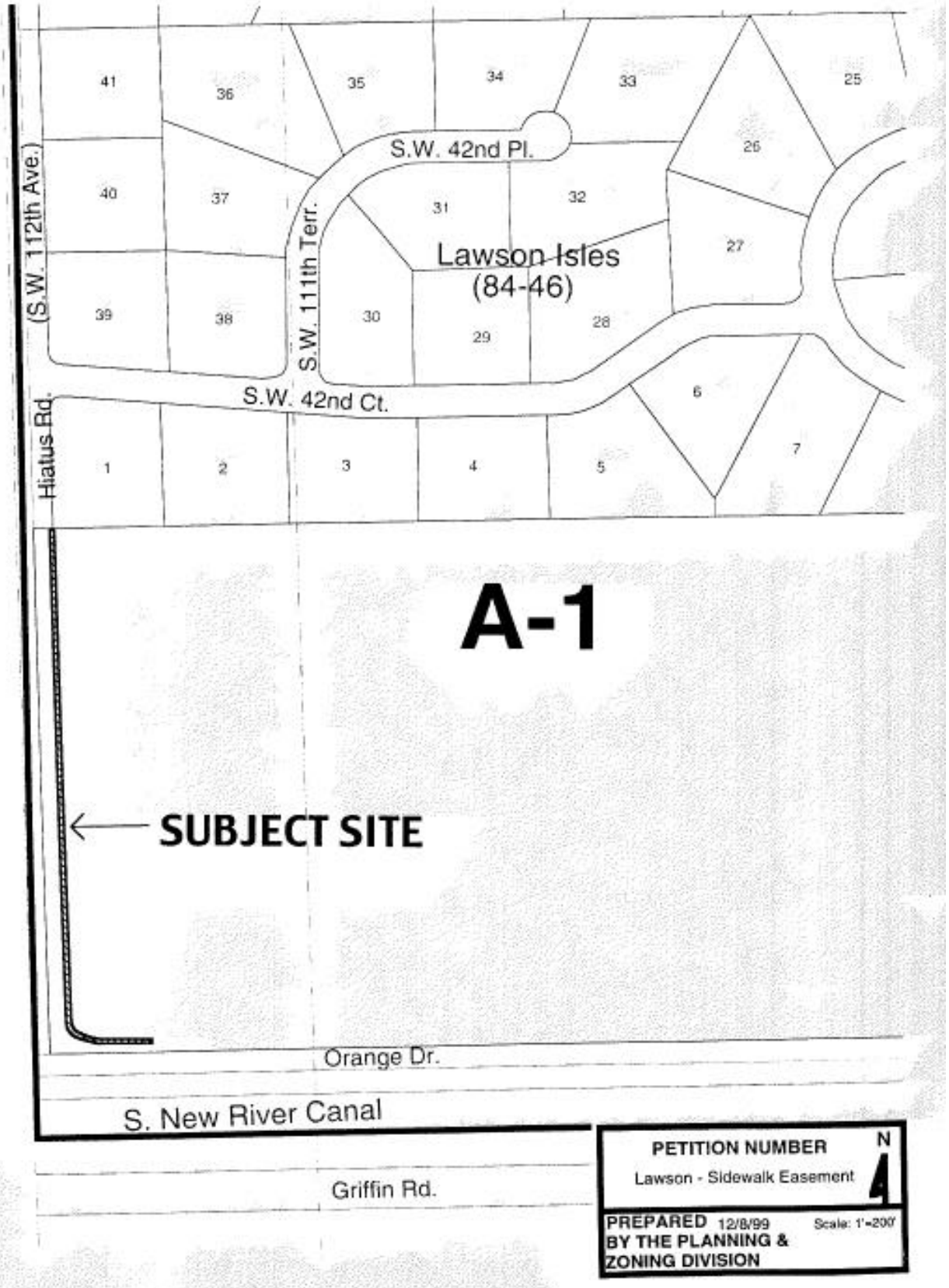
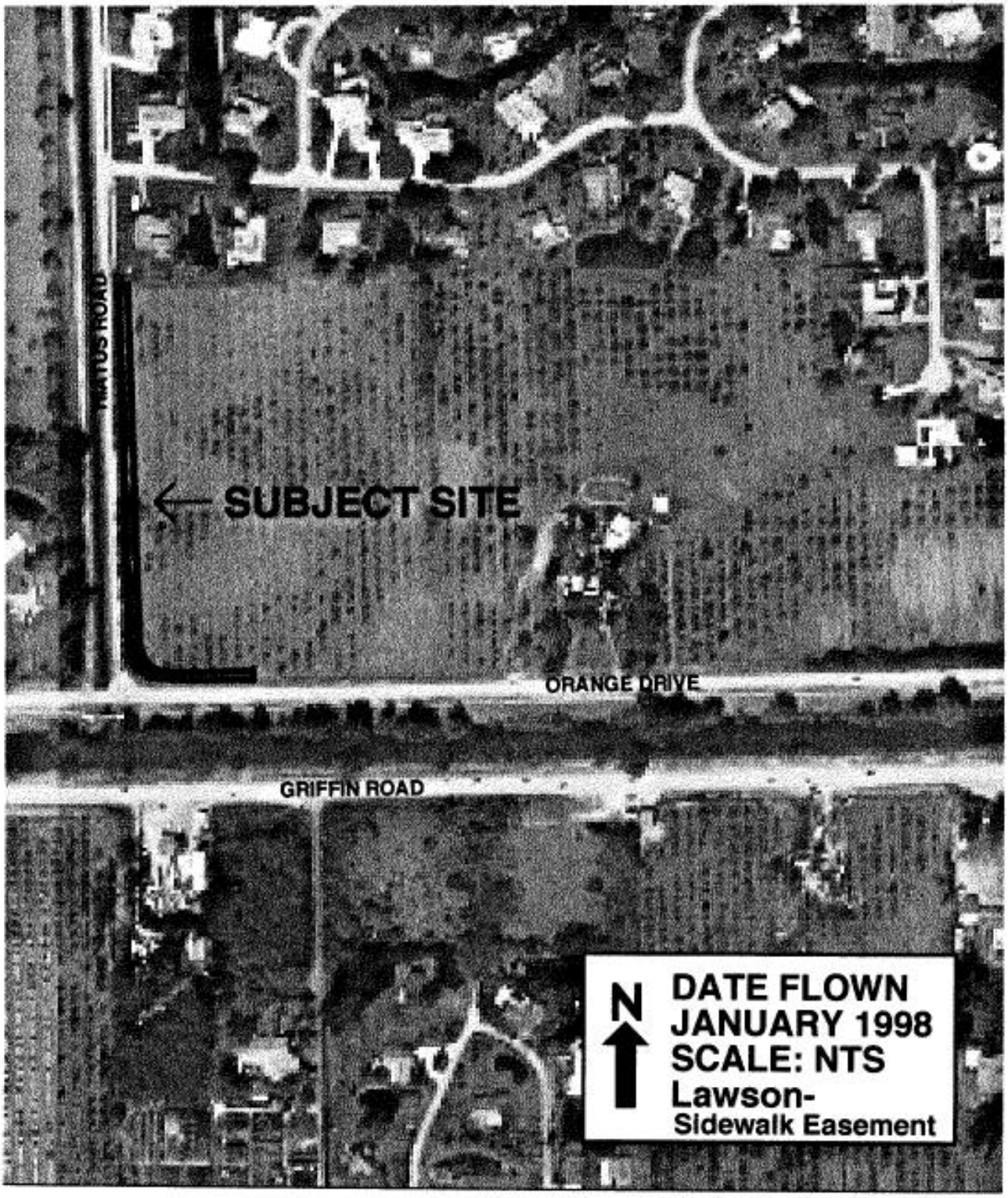
ENVIRONMENTAL PROFESSIONALS
1600 N. DOUGLAS ROAD, SUITE 200
PEMBROKE PINES, FLORIDA 33024
(954)436-7000 FAX (954)431-2958
CERT. OF AUTHORIZATION L.B. 6680

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

SKETCH & DESCRIPTION

PROJECT NO.	FILE NO.
5588-06.569	10-1C-256


41
36
35
34
33
25
26
S.W. 42nd Pl.
40
37
31
32
27
(S.W. 112th Ave.)
S.W. 111th Terr.
Lawson Isles
(84-46)
39
38
30
29
28
6
S.W. 42nd Ct.
Hiatus Rd.
1
2
3
4
5
7
A-1
SUBJECT SITE
Orange Dr.
S. New River Canal
Griffin Rd.
PETITION NUMBER
Lawson - Sidewalk Easement
N
PREPARED 12/8/99
BY THE PLANNING &
ZONING DIVISION
Scale: 1"=200'


MATTOS ROAD
SUBJECT SITE
ORANGE DRIVE
GRIFFIN ROAD
N
DATE FLOWN
JANUARY 1998
SCALE: NTS
Lawson-
Sidewalk Easement