

RESOLUTION NO. 2023-092

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA TO APPROVE THE SUBMITTAL OF A LETTER FROM THE CITY MANAGER REQUESTING THE CONVEYANCE OF TITLE TO A PORTION OF THE RIGHT-OF-WAY OF CULLUM ROAD FROM BROWARD COUNTY TO THE CITY OF COCONUT CREEK AS SHOWN AND LEGALLY DESCRIBED IN EXHIBIT "A;" PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, portions of the right-of-way for Cullum Road near the intersection of NW 54th Avenue are currently owned by Broward County (see Exhibit "A"); and

WHEREAS, Cullum Road is considered a local road, and the City has been maintaining the entirety of this right-of-way for an extended period of time; and

WHEREAS, it is in the best interest of the City that it owns the herein described right-of-way to facilitate repairs and necessary maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution. All exhibits attached hereto are incorporated herein and made a specific part of this resolution.

Section 2: That the City Manager is authorized and instructed to execute a letter, requesting the conveyance of title from Broward County to the City of Coconut Creek for a portion of the Cullum Road right-of-way described in the survey and legal description, attached hereto and incorporated herein as Exhibit "A."

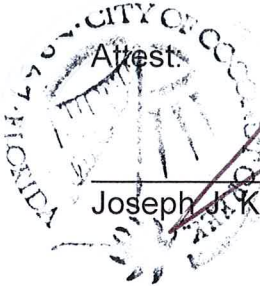
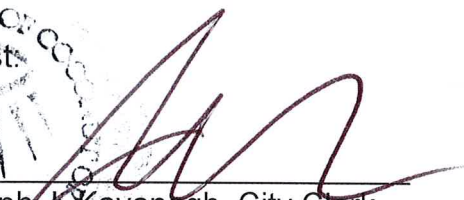
Section 3: That if any clause, section, other part or application of this resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this resolution.

Section 4: That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 25th day of May, 2023.



Joshua Rydell, Mayor


Attest:


Joseph J. Kavanagh, City Clerk

Rydell Aye
Welch Aye
Railey Aye
Brodie Aye
Wasserman Aye

FOR: GCR RE PARTNERS, LLC.

DESCRIPTION OF:
RIGHT OF WAY PARCEL
FOLIO #484218010550

LEGAL DESCRIPTION:

A PORTION OF TRACT 42, BLOCK 89, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (NOW BROWARD COUNTY, FLORIDA) LYING IN SECTION 18, TOWNSHIP 48 SOUTH, RANGE 42 EAST, DESCRIBED AS FOLLOWS:

COMMENCE AT THE THE NORTHEAST CORNER OF TRACT 41, BLOCK 89, OF SAID PALM BEACH FARMS CO. PLAT NO.3; THENCE SOUTH 89°37'33" WEST ALONG THE NORTH BOUNDARY OF SAID TRACT 41, A DISTANCE OF 659.08 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°23'55" EAST, A DISTANCE OF 20 FEET, THENCE SOUTH 89°37'33" WEST ALONG A LINE LYING 20.00 FEET SOUTH OF AND PARALLEL WITH, WHEN MEASURED AT RIGHT ANGLES TO, THE NORTH BOUNDARY OF SAID TRACTS 41 AND 42, A DISTANCE OF 659.70 FEET; THENCE NORTH 00°23'55" WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH 89°37'33" EAST, ALONG THE NORTH LINE OF SAID TRACTS 41 AND 42, A DISTANCE OF 659.70 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF COCONUT CREEK, BROWARD COUNTY, FLORIDA AND CONTAINING 13,194 SQUARE FEET OR (0.303 ACRES) MORE OR LESS.

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING AND ARE REFERENCED TO THE NORTH BOUNDARY OF TRACTS 41 AND 42, BLOCK 89 PALM BEACH FARM CO. PLAT NO.3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45-54, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, WHICH IS ASSUMED TO BEAR NORTH 89°37'33" EAST.
2. THIS SKETCH AND DESCRIPTION CONSISTS OF 3 SHEETS AND EACH SHEET SHALL NOT BE CONSIDERED FULL, VALID AND COMPLETE UNLESS ATTACHED TO THE OTHERS.
3. THIS SKETCH AND DESCRIPTION WAS PREPARED BY THIS FIRM WITHOUT THE BENEFIT OF A TITLE SEARCH.

CERTIFICATE:

WE HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION AND OTHER PERTINENT DATA SHOWN HEREON, OF THE ABOVE DESCRIBED PROPERTY, CONFORMS TO THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF FLORIDA, AS OUTLINED IN CHAPTER 5J-17, (FLORIDA ADMINISTRATIVE CODE) AS ADOPTED BY DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES AND THAT SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

LEGEND

- B.C.R. BROWARD COUNTY RECORDS
- Ⓡ BASELINE
- Ⓢ CENTERLINE
- F.D.O.T. FLORIDA DEPARTMENT OF TRANSPORTATION
- N.T.S. NOT TO SCALE
- (P) PER PLAT
- P.B. PLAT BOOK
- PG. PAGE
- P.B.C.R. PALM BEACH COUNTY RECORDS
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- O.R.B. OFFICIAL RECORDS BOOK
- R/W RIGHT-OF-WAY
- SEC. SECTION

Digitally signed
by Richard G.
Crawford JR.
Date: 2023.05.31 09:25:44 -0400

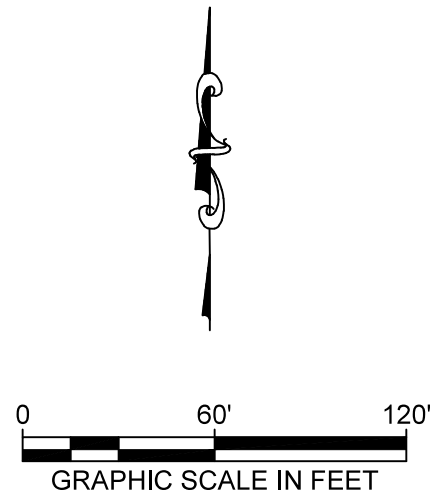
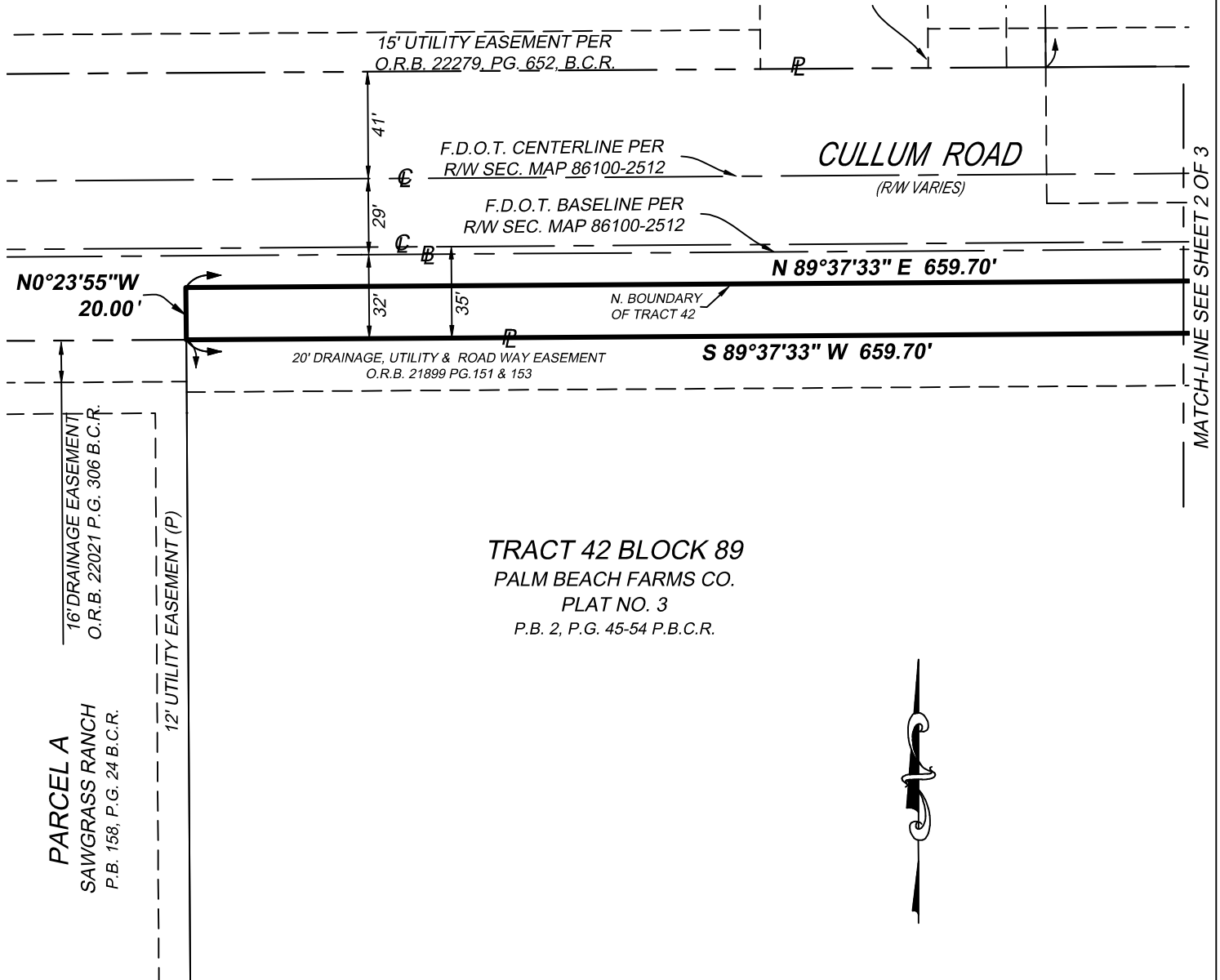
RICHARD G. CRAWFORD JR.
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA
NO. 5371

THIS SKETCH AND DESCRIPTION COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OR A UNIQUE ELECTRONIC SIGNATURE OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNDER CHAPTER RULES 5J-17.061 & 5J-17.062 FLORIDA ADMINISTRATIVE CODE.

R:\SURVEY\2008\08-0049-005-05 MAIN ST FDOT SURPLUS ROW\DRAWINGS\08-0049-SD CITY BC.DWG

THIS IS <u>NOT</u> A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property, or monuments set in connection with the preparation of the information shown hereon. The undersigned and CRAVEN-THOMPSON & ASSOCIATES, INC. make no representations or guarantees as to the information reflected hereon pertaining to easements, rights-of-way, set back lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others through appropriate title verification. Lands shown hereon were not abstracted for right-of-way and/or easements of record.	UPDATES and/or REVISIONS	DATE	BY	CK'D
	GENERAL REVISIONS	5/31/23	RGC	RP
CRAVEN • THOMPSON & ASSOCIATES, INC. ENGINEERS • PLANNERS • SURVEYOR'S 3563 N.W. 53RD STREET, FORT LAUDERDALE, FLORIDA 33309 FAX: (954) 739-6409 TEL.: (954) 739-6400 FLORIDA LICENSED ENGINEERING, SURVEYING & MAPPING BUSINESS No. 271 MATERIAL SHOWN HEREON IS THE PROPERTY OF CRAVEN-THOMPSON & ASSOCIATES, INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION. COPYRIGHT (c) 2023	JOB NO.: 08-0049-005	SHEET 1 OF 3 SHEETS		
	DRAWN BY: M.B.	F.B. N/A	PG. N/A	
	CHECKED BY: R.G.C.	DATED: 02-10-23		

DESCRIPTION OF:
RIGHT OF WAY PARCEL
FOLIO #484218010550



R:\SURVEY\2008\08-0049-005-05 MAIN ST FDOT SURPLUS ROW\DRAWINGS\08-0049-SD CITY BC.DWG

CRAVEN • THOMPSON & ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYOR'S
3563 N.W. 53RD STREET, FORT LAUDERDALE, FLORIDA 33309 FAX: (954) 739-6409 TEL.: (954) 739-6400
FLORIDA LICENSED ENGINEERING, SURVEYING & MAPPING BUSINESS No. 271
MATERIAL SHOWN HEREON IS THE PROPERTY OF CRAVEN-THOMPSON & ASSOCIATES, INC. AND SHALL
NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION. COPYRIGHT (c) 2023

JOB NO.: 08-0049-005	SHEET 3 OF 3 SHEETS
DRAWN BY: M.B.	F.B. N/A PG. N/A
CHECKED BY: R.G.C.	DATED: 02-10-23

521612

OFF. REC. 14 PAGE 599

WARRANTY DEED

THIS INDENTURE Made this 3rd day of August, 1953 between Emilio Vercellino and Irene Vercellino, his wife, County of Dade, State of Florida, as part 108 of the first part and Broward County, a political subdivision of the State of Florida, as party of the second part.

WITNESSETH: That the parties of the first part, for and in consideration of the sum of One Dollar and other valuable considerations paid, receipt of which is hereby acknowledged, have granted, bargained, sold and conveyed and do hereby grant, bargain, sell and convey to the party of the second part, its successors and assigns forever, the following described land, situate, lying and being in the County of Broward, State of Florida, to-wit:



The North 20 feet of Tract 42 in Block 89 of Palm Beach Farms according to the Palm Beach Farms Company's Plat No. 3, recorded in Plat Book 2, at pages 45 to 51, inclusive, of the public records of Palm Beach County, Florida.

And the part 108 of the first part hereby fully warrant the title to said land, and will defend same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, said parties of the first part have hereunto set their hand and seal on the date first above written.

Signed, sealed and delivered in the presence of:

Emilio Vercellino (SEAL)
Irene Vercellino (SEAL)
[Witness Signature] (SEAL)
[Witness Signature] (SEAL)

Exhibit A

OFF. REC. 14 PAGE 600

(ACKNOWLEDGMENT FORM FOR MARRIED PERSONS)

STATE OF Florida

COUNTY OF Dade

Before me, the undersigned authority, this day personally appeared Emilia Verrell and Gene Verrell his wife, to me well known and known to me to be the individuals described in and who executed the foregoing instrument, and they severally acknowledged before me that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal this 3rd day of August, A. D. 1953

My Commission expires: W. R. [Signature]
Notary Public in and for the County and State aforesaid.

(ACKNOWLEDGMENT FORM FOR SINGLE PERSONS)

STATE OF _____

COUNTY OF _____

Before me, the undersigned authority, this day personally appeared _____ to me well known and known to me to be the individual _____ described in and who executed the foregoing instrument, and acknowledged before me that _____ executed the same for the purposes therein expressed.

WITNESS my hand and official seal this _____ day of _____, A. D. 19 _____

My Commission expires: _____
Notary Public in and for the County and State aforesaid.

RECORDED IN DEED RECORD BOOK
WARD COUNTY, FLORIDA
TED CABOT,
CLERK OF CIRCUIT COURT

WARRANTY DEED

FROM _____ TO _____

FILED FOR RECORD

in the office of the Clerk of the Circuit Court for the County of Broward.

State of Florida, on the _____ day of _____, A. D. 19 _____

and recorded in Deed Book _____ Page _____ and the record verified.

Clerk of Circuit Court
County, Florida

Form No. 84-2



KAREN M. BROOKS
CITY MANAGER

May 26, 2023

Board of County Commissioners
Broward County
115 South Andrews Avenue
Fort Lauderdale, FL 33301

Re: Portion of Cullum Road near the intersection of NW 54th Avenue, Coconut Creek,
Florida
Folio # 484218010550

Dear County Commissioners:

It has recently come to the attention of the City of Coconut Creek that a portion of Cullum Road near the intersection of NW 54th Avenue described above and as set forth in further detail in the Exhibits attached hereto, is currently owned by Broward County. The property was deeded to Broward County by deed dated August 3, 1953.

This is a local road and has been maintained continuously by the City for an extended period of time. The City is requesting a conveyance of the right of way owned by the County so that repairs and maintenance can continue to be made to this street by the City.

The purpose of this letter is to advise that on May 25, 2023, the Coconut Creek City Commission approved this request for the conveyance of the referenced parcel from the County to the City by Resolution No. 2023-092 in accordance with Florida Statute 335.0415.

Thank you in advance for your assistance with this matter.

Sincerely,

Karen M. Brooks
City Manager

From: [Elshami, Osama](#)
To: [Mehaffey, Kathryn](#)
Cc: [Blanchette, Randall](#); [Cabrera, Eileen](#); [Proffitt, Justin](#); [Edwards, Amy](#); [Aguiar, Lizet](#); [Bowers, Marianne](#)
Subject: RE: Cullum ROW transfer from County
Date: Monday, June 26, 2023 3:56:35 PM
Attachments: [Cullum Road Right-Of-Way Conveyance.pdf](#)

Good afternoon Kathy,

The property described in the attachment is not buildable and is considered as right of way.

Thank you

Osama Elshami, PE, CFM
Director of Utilities and Engineering
City Engineer/Floodplain Administrator
City of Coconut Creek
954-973-6786
www.coconutcreek.net

From: Mehaffey, Kathryn <KMehaffey@coconutcreek.net>
Sent: Wednesday, May 31, 2023 1:38 PM
To: Elshami, Osama <Oelshami@coconutcreek.net>
Cc: Blanchette, Randall <RBlanchette@coconutcreek.net>; Cabrera, Eileen <ECabrera@coconutcreek.net>; Proffitt, Justin <JProffitt@coconutcreek.net>; Edwards, Amy <AEdwards@coconutcreek.net>; Aguiar, Lizet <LAguiar@coconutcreek.net>; Bowers, Marianne <MBowers@coconutcreek.net>
Subject: Cullum ROW transfer from County

Good morning,

We have received a request from the County for a “buildability determination” for the parcel along Cullum road that the City is requesting the County transfer to the City (on last Thursday’s Commission meeting). It is a piece of right of way along Cullum that the City has been maintaining for years, that is technically owned, for the moment, by the County. They are requesting a statement from a City engineer about the buildability of the property. It can be simple and I’ve attached an example. The message from the county is below in red:

We just need an email from the City stating that the property is not a buildable site from one of the engineers. It’s something we require for every transfer of property from the County. Whenever the County is about to place an item before the board, we must contact the local municipality to provide a buildability determination. This includes vacant parcels, canals, ROWs, and even when it is clear that there can be nothing constructed on the property.

We'll include the response you send me with the resolution and documentation for our request to the County.

Kathy Mehaffey
Deputy City Attorney



4800 W. Copans Road
Coconut Creek, FL 33063
954-956-1532
954-973-6790 fax
www.coconutcreek.net



Please consider the environment before printing this email. Thank you.