

ORDINANCE NO. 2020-016

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, ACCEPTING TWO QUITCLAIM DEEDS CONVEYING TITLE TO A PORTION OF THE RIGHT-OF-WAY OF NW 45 AVENUE FROM BROWARD COUNTY TO THE CITY OF COCONUT CREEK; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Broward County was the owner of a portion of the right-of-way for NW 45 Avenue within the City of Coconut Creek, pursuant to 1) a Right-of-Way Deed dated March 3, 1960, recorded in Official Records Book 1864, Page 533, of the Public Records of Broward County, Florida, and 2) a Right-of-Way Deed dated March 3, 1960, recorded in Official Records Book 1864, Page 531, of the Public Records of Broward County, Florida, prior to the incorporation of the City; and

WHEREAS, the City owns the balance of the right-of-way for NW 45 Avenue, and has been maintaining the entirety of this local road since the City's incorporation in 1967; and

WHEREAS, it is in the best interest of the City to legally own the entire right-of-way to facilitate repairs and necessary maintenance, and

WHEREAS, on September 12, 2019, the City Commission approved Resolution No. 2019-207 requesting transfer of the above described right-of-way to the City; and

WHEREAS, on March 31, 2020, the Broward County Commission approved Resolution No. 2020-124 approving quit claim deeds transferring each of the two segments of right-of-way to the City of Coconut Creek, which were subsequently executed and recorded as provided in Exhibit "A" Quitclaim Deed dated March 31, 2020, recorded on April 20, 2020, as Instrument Number 116466475 in the Public Records of Broward County, Florida, and in Exhibit "B" Quitclaim Deed dated March 31, 2020, recorded on April 20, 2020, recorded as Instrument Number 116466476 in the Public Records of Broward County, Florida; and

WHEREAS, Section 310 of the City Charter requires that where the City desires to acquire real property by purchase, dedication or condemnation, it shall do so by ordinance; and

WHEREAS, the City Commission has determined that it is in the best interest of the City to approve and accept the Quitclaim Deeds.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance. All Exhibits attached hereto are incorporated herein and made a specific part of this ordinance.

Section 2: Approval, Acceptance and Vesting. That the City Commission hereby accepts the Quitclaim Deeds attached hereto and made a part hereof as Exhibit “A” and Exhibit “B” accepting the lands designated within as property of the City of Coconut Creek.

Section 3: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 5: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 28TH DAY OF MAY, 2020.

PASSED SECOND READING THIS 11TH DAY OF JUNE, 2020.

Louis Sarbone, Mayor

Attest:

Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>