



MARY C. BLASI
CITY MANAGER

September 17, 2019

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

Re: Portion of NW 45 Street, Coconut Creek/ Folio #484231000036

Dear County Commissioners:

It has recently come to the attention of the City of Coconut Creek that the portion of NW 45th Street set forth above and located within the City is currently owned by Broward County. The property was deeded to Broward County by two Right-of-Way Deeds dated March 3, 1960, (copies attached) prior to the incorporation of the City.

The City owns the balance of the right of way. This is a local road and has been maintained by the City since its incorporation over fifty years ago. The City is requesting a conveyance of the right of way owned by the County so that repairs can be made to this street by the City.

The purpose of this letter is to advise that on September 12, 2019, the City of Coconut Creek Commission approved by Resolution No. 2019-207 this request for the conveyance of the above-referenced parcel from the County to the City in accordance with Section 335.0415, *Fla. Stat.*

Thank you in advance for your assistance with this matter.

Sincerely,

Mary C. Blasi
City Manager

RESOLUTION NO. 2019-207

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 NW 45 STREET FROM BROWARD COUNTY TO THE CITY OF COCONUT CREEK; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Broward County is the owner of a portion of the right-of-way for NW 45 Street 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 Street, 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.

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.

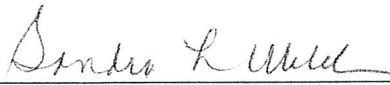
Section 2: That the City Commission has reviewed and hereby approves the attached letter from the City Manager to Broward County, requesting the conveyance of title to a portion of the right-of-way of NW 45 Street from Broward County to the City of Coconut Creek, described in the Right-of-Way Deed recorded in Official Records Book 1864, Page 533, of the Public Records of Broward County, Florida, and the Right-of-Way Deed recorded in Official Records Book 1864, Page 531, of the Public Records of

Broward County, Florida, copies of which are attached hereto and incorporated herein as Exhibit "A."


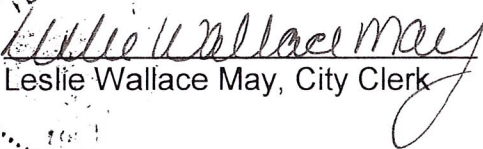
Section 3: That if any clause, section, other part or application of this resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this resolution.

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

Adopted this 12th day of September, 2019.


Sandra L. Welch, Mayor

Attest:



Leslie Wallace May, City Clerk

Welch	<u>Aye</u>
Sarbone	<u>Absent</u>
Tooley	<u>Aye</u>
Belvedere	<u>Aye</u>
Rydell	<u>Aye</u>

20

60- 29780

RIGHT-OF-WAY DEED

OFF. REC. 1864 PAGE 533

THIS INDENTURE, Made this 3rd day of March, 1960, between JEFFERSON INVESTMENT COMPANY, a Florida corporation with principal place of business in Pompano Beach, Broward County, Florida, party of the first part, and BROWARD COUNTY, a political subdivision of the State of Florida, party of the second part;

WITNESSETH:

That the said party of the first part for and in consideration of the sum of One Dollar and other valuable consideration to it in hand paid by the party of the second part, the receipt of which is hereby acknowledged, does hereby sell and convey unto the said party of the second part, and its successors and assigns, all of the following described parcel of land situate, lying and being in Broward County, Florida, more particularly described as follows:

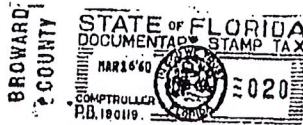
The East 30 feet of all that part of Section 31, Township 48 South, Range 42 East, lying North of the Easterly extension of the North line of Tract 28, in Block 94, of PALM BEACH FARMS COMPANY PLAT NO. 3 as recorded in Plat Book 2, at pages 45 to 54 inclusive, in the Public Records of Palm Beach County, Florida, excepting therefrom that part lying within existing State Road No 814 right-of-way.

Said lands containing 2.73 acres, more or less.

TO HAVE AND TO HOLD the same unto the said party of the second part, its successors and assigns, for public road right-of-way uses and other uses incidental thereto; provided, however, that if such uses should ever be discontinued, then the title to the above described lands shall revert to the then owner of the lands of which the above described parcel of land was formerly a part.

IN WITNESS WHEREOF, the said party of the first part has caused this indenture to be executed by its President and its corporate seal to be attested by its

60 MAR 16 PM 3:19



*Co. Comm.
6 mgc.*

2.00

Secretary, the day and year first above written.



JEFFERSON INVESTMENT COMPANY

By R. E. Bateman
Its President

Mildred E. Murphy
Mera B. Ryan

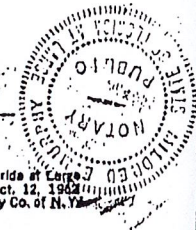
ATTEST:
Martha Mitchell
Its Secretary

STATE OF FLORIDA }
COUNTY OF BROWARD }

I HEREBY CERTIFY, That on this day before me personally appeared R. E. BATEMAN and MARTHA MITCHELL, President and Secretary, respectively, of JEFFERSON INVESTMENT COMPANY, a corporation under the laws of the State of Florida, to me known to be the persons described in and who executed the foregoing conveyance to BROWARD COUNTY, a political subdivision of the State of Florida, and severally acknowledged the execution thereof to be their free act and deed as such officers, for the uses and purposes therein mentioned; and that they affixed thereto the official seal of said corporation, and the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at Pompano Beach, in the said County and State, this 3rd day of March, 1960.

Mildred E. Murphy
Notary Public



My commission expires Public, State of Florida at Large
My Commission Expires Oct. 12, 1962
Bonded by American Surety Co. of N.Y.

RECORDED IN OFFICIAL RECORDS BOOK
OF BROWARD COUNTY, FLORIDA
FRANK H. MARKS
CLERK OF CIRCUIT COURT

60- 29779

REC. 1864 PAGE 531

RIGHT-OF-WAY DEED

THIS INDENTURE, Made this 3rd day of March 1960, between HILLSBORO LAND COMPANY, a Florida corporation with principal place of business in Pompano Beach, Broward County, Florida, party of the first part, and BROWARD COUNTY, a political subdivision of the State of Florida, party of the second part;

WITNESSETH:

That the said party of the first part for and in consideration of the sum of One Dollar and other valuable consideration to it in hand paid by the party of the second part, the receipt of which is hereby acknowledged, does hereby sell and convey unto the said party of the second part, and its successors and assigns, all of the following described parcel of land situate, lying and being in Broward County, Florida, more particularly described as follows:

The West 30 feet of Section 32, Township 48 South, Range 42 East, excepting therefrom that portion lying North of the South line of COCONUT CREEK 1ST SECTION, according to the plat of Edgefield 1st Section as recorded in Plat Book 49, at page 31, of the Public Records of Broward County, Florida, and excepting that portion lying within Pompano Canal right-of-way.

Also the East 30 feet of that part of Section 31, Township 48 South, Range 42 East, lying South of the Easterly extension of the North line of Tract 28, in Block 94, of PALM BEACH FARMS COMPANY PLAT NO. 3 as recorded in Plat Book 2, at pages 45 to 54 inclusive, in the Public Records of Palm Beach County, Florida, excepting therefrom that part lying within Pompano Canal right-of-way.

Said lands containing 2.57 acres, more or less.

TO HAVE AND TO HOLD the same unto the said party of the second part, its successors and assigns, for public road right-of-way uses and other uses incidental thereto; provided, however, that if such uses should ever be discontinued, then the title to the above described lands shall revert to the then owner of the lands of which the above described parcel of land was formerly a part.

1960 MAR 15 AM 3:19

*Co. Comm.
Enger.*



See

IN WITNESS WHEREOF, the said party of the first part has caused this

instrument to be executed by its President and its corporate seal to be attested

by its Secretary, the day and year first above written.



HILLSBORO LAND COMPANY

Mildred E. Murphy

By R. E. Bateman
Its President

Merna B. Ligon

ATTEST:
Martha Mitchell
Its Secretary

STATE OF FLORIDA)
COUNTY OF BROWARD)

I HEREBY CERTIFY, That on this day before me personally appeared R. E. BATEMAN AND MARTHA MITCHELL, President and Secretary, respectively, of HILLSBORO LAND COMPANY, a corporation under the laws of the State of Florida, to me known to be the persons described in and who executed the foregoing conveyance to BROWARD COUNTY, a political subdivision of the State of Florida, and severally acknowledged the execution thereof to be their free act and deed as such officers, for the uses and purposes therein mentioned, and that they affixed thereto the official seal of said corporation, and the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at Pompano Beach, in the said County and State, this 3rd day of March, 1960.

Mildred E. Murphy
Notary Public

RECORDED IN OFFICIAL RECORDS BOOK
OF BROWARD COUNTY, FLORIDA
FRANK H. MARKS
CLERK OF CIRCUIT COURT

My commission expires _____
Public, State of Florida
My Commission Expires _____
Bonded by American Surety

