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Resolution No. 2020-124

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A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN PARCELS OF REAL PROPERTY TO THE CITY OF COCONUT CREEK ("CITY") PURSUANT TO SECTION 125.38, FLORIDA STATUTES; DETERMINING THAT THE CITY APPLIED FOR THE CONVEYANCE OF THE COUNTY-OWNED PARCELS FOR THE PURPOSE STATED HEREIN IN ACCORDANCE WITH SECTION 125.38, FLORIDA STATUTES; DETERMINING THAT THE PURPOSE STATED HEREIN PROMOTES PUBLIC OR COMMUNITY INTEREST AND WELFARE; DETERMINING THAT THE PARCELS ARE REQUIRED BY THE CITY FOR THE PURPOSE STATED HEREIN AND ARE NOT NEEDED FOR COUNTY PURPOSES; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Broward County ("County") holds title to certain parcels of real property located in the City of Coconut Creek ("City"), identified as folio numbers 4842-3100-0036 and 4842-3200-0210 ("Parcels"), which are more particularly described in the legal descriptions within the quitclaim deeds, attached to and made a part of this Resolution as Attachment A and Attachment B, respectively ("Quitclaim Deeds");

WHEREAS, Section 125.38, Florida Statutes, states that if "the state or any political subdivision or agency thereof, or any municipality of this state...should desire any real or personal property that may be owned by any county of this state or by its board of county commissioners, for public or community interest and welfare, then the...state or such political subdivision, agency, municipality...may apply to the board of county commissioners for a conveyance or lease of such property. Such board, if satisfied that such property is required for such use and is not needed for county purposes, may

1 thereupon convey or lease the same at private sale to the applicant for such price,
2 whether nominal or otherwise, as such board may fix, regardless of the actual value of
3 such property. The fact of such application being made, the purpose for which such
4 property is to be used, and the price or rent therefor shall be set out in a resolution duly
5 adopted by such board”;

6
7 WHEREAS, the City Commission of City, at a regular meeting held on
8 September 12, 2019, adopted Resolution No. 2019-207, attached to and made part of
9 this Resolution as Attachment C, which authorized the
10 City Manager of City (“City Manager”) to notify County that City will accept the
11 conveyance of the Parcels, and to execute any necessary documents for such
12 conveyance;

13
14 WHEREAS, the City Manager applied to the Board of County Commissioners of
15 Broward County, Florida (“Board”) for the conveyance of the Parcels for right-of-way
16 purposes (“Stated Purpose”); and

17
18 WHEREAS, the Board supports the use of the Parcels for the Stated Purpose, and
19 desires to approve and authorize the conveyance of the Parcels to City for the
20 Stated Purpose, NOW, THEREFORE,

21
22 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
23 BROWARD COUNTY, FLORIDA:

24

1 Section 1. The recitals set forth in the preamble to this Resolution are true,
2 accurate, and deemed incorporated by reference herein as though set forth in full
3 hereunder.

4
5 Section 2. The Board finds that (1) City applied to the Board for the conveyance
6 of the Parcels for the Stated Purpose in accordance with Section 125.38, Florida Statutes;
7 (2) the Stated Purpose promotes public or community interest and welfare; and (3) the
8 Parcels are required by City for the Stated Purpose and are not needed for County
9 purposes.

10
11 Section 3. The Board authorizes the conveyance of the Parcels to City for the
12 Stated Purpose in exchange for the total price of Ten Dollars (\$10.00).

13
14 Section 4. The Board authorizes the Mayor or Vice-Mayor of the Board to
15 execute the Quitclaim Deeds in the same form as Attachment A and Attachment B and
16 authorizes the County Administrator to attest to such execution.

17
18 Section 5. The Quitclaim Deeds shall be properly recorded in the
19 Public Records of Broward County, Florida.

20
21 Section 6. Severability.

22 If any portion of this Resolution is determined by any court to be invalid, the invalid
23 portion will be stricken, and such striking will not affect the validity of the remainder of this
24 Resolution. If any court determines that this Resolution, in whole or in part, cannot be

1 legally applied to any individual, group, entity, property, or circumstance, such
2 determination will not affect the applicability of this Resolution to any other individual,
3 group, entity, property, or circumstance.

4

5 Section 7. Effective Date.

6 This Resolution is effective upon adoption.

7

8 ADOPTED this 5th day of March, 2020. #40

9

10 Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

11

12 By /s/ Sara F. Cohen 02/12/2020
Sara F. Cohen (Date)
Assistant County Attorney

13

14
15 By /s/ Annika E. Ashton 02/12/2020
Annika E. Ashton (Date)
Deputy County Attorney

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SC/mdw
02/11/2020
Coconut Creek Parcel Transfer Resolution.doc
#493052

24

Attachment A

Return recorded copy to:
Broward County Facilities Management Division
Real Property Section
115 South Andrews Avenue, Room 501
Fort Lauderdale, FL 33301

This document prepared by
and approved as to form by:
Sara F. Cohen
Broward County Attorney's Office
115 South Andrews Avenue, Room 423
Fort Lauderdale, FL 33301

Folio: 4842-3100-0036

QUITCLAIM DEED

(Pursuant to Section 125.411 and Section 125.38, Florida Statutes)

THIS QUITCLAIM DEED, made this _____ day of _____, 2020, by **BROWARD COUNTY, a political subdivision of the State of Florida** ("Grantor"), whose address is 115 South Andrews Avenue, Fort Lauderdale, Florida 33301, and the **City of Coconut Creek, a Florida municipal corporation** ("Grantee"), whose address is 4800 West Copans Road, Coconut Creek, Florida 33063.

(The terms "Grantor" and "Grantee" as used herein shall refer to the respective parties, and the heirs, personal representatives, successors, and assigns of such parties.)

WITNESSETH:

That Grantor, for and in consideration of TEN DOLLARS (\$10.00) and other valuable consideration, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim unto Grantee, its successors and assigns, forever, all of Grantor's rights, title, and interest, if any, in and to the following described lands, lying and being in Broward County, Florida, to wit:

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 814 right-of-way.

Said lands containing 2.73 acres, more or less.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity, and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit, and behalf of the said Grantee forever

THIS CONVEYANCE IS SUBJECT TO all zoning rules, regulations, and ordinances and other prohibitions imposed by any governmental authority with jurisdiction over the Property conveyed herein; existing public purpose utility and government easements and rights of way and other matters of record; and real estate taxes for this year 2020 and all subsequent years.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor or Vice-Mayor of said Board, the day and year aforesaid.

GRANTOR

ATTEST:

BROWARD COUNTY, by and through its Board of County Commissioners

Broward County Administrator, as
ex officio Clerk of the Broward County
Board of County Commissioners

By: _____
Mayor

____ day of _____, 2020

Approved as to form by
Andrew J. Meyers
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By: _____
Sara F. Cohen (Date)
Assistant County Attorney

By: _____
Annika E. Ashton (Date)
Deputy County Attorney

REF: Approved BCC _____ Item No: _____
Return to BC Real Property Section

SC/mdw
QCD Folio 4842-3100-0036
02/11/2020
#493053

Attachment B

Return recorded copy to:
Broward County Facilities Management Division
Real Property Section
115 South Andrews Avenue, Room 501
Fort Lauderdale, FL 33301

This document prepared by
and approved as to form by:
Sara F. Cohen
Broward County Attorney's Office
115 South Andrews Avenue, Room 423
Fort Lauderdale, FL 33301

Folio: 4842-3200-0210

QUITCLAIM DEED

(Pursuant to Section 125.411 and Section 125.38, Florida Statutes)

THIS QUITCLAIM DEED, made this _____ day of _____, 2020, by **BROWARD COUNTY, a political subdivision of the State of Florida ("Grantor")**, whose address is 115 South Andrews Avenue, Fort Lauderdale, Florida 33301, and the **City of Coconut Creek, a Florida municipal corporation ("Grantee")**, whose address is 4800 West Copans Road, Coconut Creek, Florida 33063.

(The terms "Grantor" and "Grantee" as used herein shall refer to the respective parties, and the heirs, personal representatives, successors, and assigns of such parties.)

WITNESSETH:

That Grantor, for and in consideration of TEN DOLLARS (\$10.00) and other valuable consideration, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim unto Grantee, its successors and assigns, forever, all of Grantor's rights, title, and interest, if any, in and to the following described lands, lying and being in Broward County, Florida, to wit:

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 together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity, and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit, and behalf of the said Grantee forever

THIS CONVEYANCE IS SUBJECT TO all zoning rules, regulations, and ordinances and other prohibitions imposed by any governmental authority with jurisdiction over the Property conveyed herein; existing public purpose utility and government easements and rights of way and other matters of record; and real estate taxes for this year 2020 and all subsequent years.

(Signature Page to Follow)

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor or Vice-Mayor of said Board, the day and year aforesaid.

GRANTOR

ATTEST:

BROWARD COUNTY, by and through
its Board of County Commissioners

Broward County Administrator, as
ex officio Clerk of the Broward County
Board of County Commissioners

By: _____
Mayor

____ day of _____, 2020

Approved as to form by
Andrew J. Meyers
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By: _____
Sara F. Cohen (Date)
Assistant County Attorney

By: _____
Annika E. Ashton (Date)
Deputy County Attorney

REF: Approved BCC _____ Item No: _____
Return to BC Real Property Section

SC/mdw
QCD Folio 4842-3200-0210
02/11/2020
#493054

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.

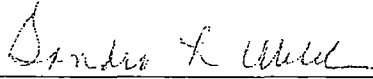
Section 2: That the City Commission has reviewed and hereby approves the attached letter from the City Manager to Broward County, requesting the conveyance of title to a portion of the right-of-way of NW 45 Street from Broward County to the City of Coconut Creek, described in the Right-of-Way Deed recorded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


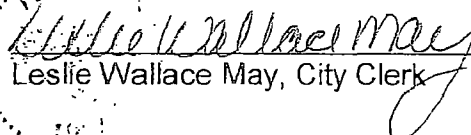
Broward County, Florida, copies of which are attached hereto and incorporated herein as Exhibit "A."

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

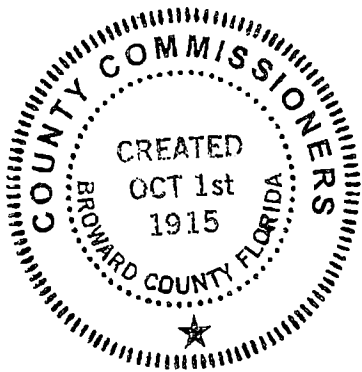
Attest:


Leslie Wallace May, City Clerk

Welch Aye
Sarbone Absent
Tooley Aye
Belvedere Aye
Rydell Aye

STATE OF FLORIDA)
) SS
COUNTY OF BROWARD)

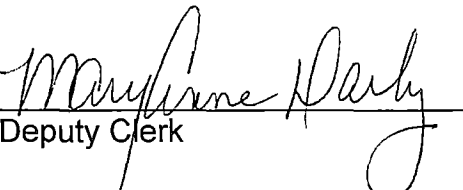
I, Bertha Henry, County Administrator, in and for Broward County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution 2020-124 the same appears in the minutes of said Board of County Commissioners meeting held on the 31st day of March, 2020. (Item 40)

IN WITNESS WHEREOF, I have hereunto set my hand and official seal dated this 1st day of April, 2020.



(SEAL)

BERTHA HENRY
COUNTY ADMINISTRATOR

By 
Deputy Clerk