

**ORDINANCE NO. 2024-008**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, ACCEPTING A QUITCLAIM DEED CONVEYING THE TITLE TO A PORTION OF THE RIGHT-OF-WAY OF CULLUM ROAD 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 a right-of-way for Cullum Road within the City of Coconut Creek, pursuant to a Right-of-Way Deed dated August 3, 1953, recorded in Official Records Book 14, Page 599, of the Public Records of Broward County, Florida, prior to incorporation of the City; 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 to legally own the entire right-of-way to facilitate repairs and necessary maintenance; and

**WHEREAS**, on May 25, 2023, the City Commission approved Resolution No. 2023-092, requesting transfer of the above-described right-of-way to the City; and

**WHEREAS**, on August 22, 2023, the Broward County Commission approved Resolution No. 2023-294, approving a quitclaim deed transferring the right-of-way to the City of Coconut Creek, which was subsequently executed and recorded as provided in Exhibit "A," Quitclaim Deed, dated August 22, 2023, recorded on August 24, 2023, as Instrument Number 119063804 in the Public Records of Broward County, Florida; and

**WHEREAS**, Section 310, "Action requiring an ordinance," of the City Charter and Section 13-42, "Transactions involving the city's interest in real property," of the City's Land Development Code require that the acquisition of fee simple interest in real property by purchase, dedication, or condemnation, shall be by ordinance; and

**WHEREAS**, Section 13-42(b)(2), “Acquisition of real property,” of the City’s Land Development Code states that the City Commission may, upon completion and review of a property transaction site assessment, unless such site assessment is waived in writing by the City Manager, or designee, acquire fee simple title; and

**WHEREAS**, the City’s Utilities and Engineering Director has waived the property transaction site assessment for this application; and

**WHEREAS**, the City Commission has determined that it is in the best interest of the City to approve and accept the Quitclaim Deed to convey title to the City of Coconut Creek for the purpose of repair and maintenance of the Cullum Road right-of-way.

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

**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 ordinance. All exhibits attached hereto are incorporated herein and made a specific part of this ordinance.

**Section 2:** That the City Commission hereby accepts the Quitclaim Deed, attached hereto and made a part hereof as Exhibit “A.”

**Section 3:** 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:** 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:** That this ordinance shall become effective after its passage on second and final reading.

**PASSED FIRST READING THIS 22<sup>ND</sup> DAY OF FEBRUARY, 2024.**

**PASSED SECOND READING THIS 14TH DAY OF MARCH, 2024.**

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Joshua Rydell, Mayor

Attest:

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Joseph J. Kavanagh, City Clerk

	<u>1st</u>	<u>2nd</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>
Railey	<u>Aye</u>	<u>Aye</u>
Brodie	<u>Aye</u>	<u>Aye</u>
Wasserman	<u>Aye</u>	<u>Aye</u>

JP:ae

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**Exhibit "A"**  
**QUITCLAIM DEED**