



## Legislation Details (With Text)

<b>File #:</b>	ORD 2024-008	<b>Name:</b>	Broward County Right-of-Way Acceptance
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	1/31/2024	<b>In control:</b>	City Commission
<b>On agenda:</b>	3/14/2024	<b>Final action:</b>	3/14/2024
<b>Title:</b>	AN ORDINANCE ACCEPTING A QUITCLAIM DEED CONVEYING TITLE TO A PORTION OF THE RIGHT-OF-WAY FOR CULLUM ROAD FROM BROWARD COUNTY TO THE CITY OF COCONUT CREEK. (SECOND READING)(PUBLIC HEARING)		
<b>Sponsors:</b>			
<b>Indexes:</b>	Cullum Road, MainStreet Project Area, Ordinance, Real Property, Right-of-Way, Street Improvements, Sustainable Development		
<b>Code sections:</b>	13-42 - Transactions Involving the City's Interests in Real Property, Charter Section 310 - Action Requiring an Ordinance		
<b>Attachments:</b>	1. ORDINANCE 2024-008-Cullum Road Right-of-Way Quitclaim Deed, 2. EXHIBIT A-Recorded Quitclaim Deed-Cullum Road Right-of-Way, 3. BACKUP-Aerial Photo-Cullum Road ROW Acceptance, 4. BACKUP-Resolution 2023-092-Requesting Conveyance from Broward County, 5. BACKUP-Broward County Resolution Authorizing Conveyance		

Date	Ver.	Action By	Action	Result
3/14/2024	1	City Commission		
2/22/2024	1	City Commission		

## AGENDA ITEM REPORT

### TITLE:

AN ORDINANCE ACCEPTING A QUITCLAIM DEED CONVEYING TITLE TO A PORTION OF THE RIGHT-OF-WAY FOR CULLUM ROAD FROM BROWARD COUNTY TO THE CITY OF COCONUT CREEK. (SECOND READING)(PUBLIC HEARING)

### BACKGROUND:

**This item was approved on First Reading at the February 22, 2024, City Commission Meeting.**

The City has maintained the Cullum Road right-of-way for many years, but portions of it are owned by the Florida Department of Transportation (FDOT) and Broward County. City staff has been in communication with each of these agencies to coordinate conveyance of these portions of right-of-way to the City, as authorized by the City Commission through Resolution No. 2023-092, for the purpose of building-out the streetscape improvements consistent with the City's MainStreet Design Standards and the MainStreet at Coconut Creek Planned MainStreet Development District (MainStreet PMDD). The transfer of the FDOT parcels to the City and the MainStreet at Coconut Creek developer is still under review and will come before the City Commission at a future date.

### DISCUSSION:

Since the City has maintained this portion of the Cullum Road right-of-way and in anticipation of the future MainStreet at Coconut Creek streetscape improvements, it is in the best interest of the City to accept the Quitclaim Deed and to legally own the entire right-of-way of Cullum Road.

Section 310, "Action requiring an ordinance," of the City Charter requires that where the City acquires a fee simple interest in real property by purchase, dedication or condemnation, it shall do so by ordinance. Section 13-42, "Transactions involving the city's interest in real property," of the City's Land Development Code requires all land transactions in which the City acquires simple title to real property to be approved by ordinance.

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 his/her designee, acquire fee simple title. The City's Utilities and Engineering Director has waived the property transaction site assessment for this application.

Also pursuant to this section, these requests only require City Commission approval. No Planning and Zoning Board review is required.

**RECOMMENDATION:**

Staff recommends approval of this ordinance.

**FISCAL IMPACT:** N/A