

ORDINANCE NO. 2025-036

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, ACCEPTING THE CONVEYANCE OF TITLE FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROPERTIES AND EASEMENTS FOR PORTIONS OF DRAINAGE FACILITIES AND ROAD RIGHT-OF-WAY, SUCH PROPERTIES GENERALLY LOCATED WITHIN THE MAINSTREET PROJECT AREA AND BEING IDENTIFIED IN THE LEGAL DESCRIPTIONS AND SKETCHES ATTACHED HERETO AS EXHIBIT "1;" PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Transportation (FDOT) is the owner of three (3) portions of right-of-way, which had been deeded to FDOT by three (3) separate conveyance deeds; and

WHEREAS, FDOT is the owner of five (5) easements, which had been given to FDOT; and

WHEREAS, the parcels are part of local roads and drainage easements that the City has been maintaining for an extended period of time; and

WHEREAS, it is in the best interest of the City to legally own these entire rights-of-way and drainage easements to facilitate repairs and necessary maintenance as part of the MainStreet development; and

WHEREAS, on July 11, 2024, the City Commission approved Resolution No. 2024-103, requesting the conveyance of these rights-of-way and easements from FDOT to the City of Coconut Creek; and

WHEREAS, FDOT has executed a quitclaim deed transferring its rights and interests in the eight (8) parcels to the City of Coconut Creek, which deed has been held

in escrow and is now ready to be recorded in the Public Records of Broward County, Florida, as provided in Exhibit “1,” Quitclaim Deed, dated September 9, 2024; 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, as City Engineer, has waived the property transaction site assessment for this conveyance; 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 as part of the MainStreet development.

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: That the City Commission hereby accepts the Quitclaim Deed, attached hereto and made a part hereof as Exhibit “1.”

Section 3: Recordation. That the City Manager, or designee, is hereby authorized to cause the Quitclaim Deed, attached hereto and made a part hereof as Exhibit “1,” to be recorded in the public records of Broward County, Florida.

Section 4: 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 5: 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 6: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS _____ DAY OF _____, 2025.

PASSED SECOND READING THIS _____ DAY OF _____, 2025.

Jacqueline Railey, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

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