

ORDINANCE NO. 2023-029

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, ACCEPTING THE CONVEYANCE OF TITLE FROM 4211 SP, LLC TO FORM PORTIONS OF THE RIGHT-OF-WAY OF NW 74TH STREET; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 4211 SP, LLC is the property owner of land generally described as 4211 NW 74th Street, in unincorporated Broward County; and

WHEREAS, the property owner has submitted a Quit Claim Deed, attached as Exhibit “1,” to convey title to a portion of the property, as described in the Sketch and Legal attached to the Quit Claim Deed, to the City of Coconut Creek for the purpose of establishing road right-of-way for NW 74th Street; and

WHEREAS, conveyance of the land is required for the purpose of fulfilling the NW 74th Street right-of-way requirements and ultimately to develop the adjacent property at 4211 NW 74th Street pursuant to the approvals granted by Broward County; and

WHEREAS, Section 310 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 accept said Quit Claim Deed to convey title to the City of Coconut Creek for the purpose of establishing road right-of-way for NW 74th Street.

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: Acceptance. That the City Commission hereby accepts the land as conveyed in the deed attached hereto and made a part hereof as Exhibit “1.”

Section 3: 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 4: 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 5: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 28TH DAY OF SEPTEMBER, 2023.

PASSED SECOND READING THIS _____ DAY OF _____, 2023.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

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