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RESOLUTION NO. 2020 - 43

**CITY OF POMPANO BEACH
Broward County, Florida**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING A MAXIMUM OF ONE HUNDRED (100) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED ON THE NORTH AND SOUTH SIDES OF NW 8TH STREET ON THE WEST SIDE OF DIXIE HWY.; PROVIDING AN EFFECTIVE DATE

WHEREAS, Paola Florida, LLC., WTLG, LLC and the City of Pompano Beach requests an allocation of a maximum of one hundred (100) residential flex units in order to construct 121 dwelling units for a residential development on property located on the north and south sides of NW 8th Street on the west side of Dixie Hwy., legally described in Exhibit "A"; and

WHEREAS, the subject property has both Low Medium Residential and Commercial Land Use Designations; and

WHEREAS, the City of Pompano Beach Planning Code Section 154.61 requires that applications for flex and reserve units must comply with certain requirements to construct affordable housing; and

WHEREAS, the applicant intends to comply with the affordable housing requirements of Section 154.61(E), by providing an executed Declaration of Covenants regarding the provision of affordable housing prior to site plan approval; and

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed resolution and of a public hearing in the City Commission Chambers of the City of Pompano Beach, Florida; and

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WHEREAS, in accordance with Section 154.61(C)(4), of the Pompano Beach Code of Ordinances, notice in accordance with said section has been mailed notifying residents within 500 feet of the subject property of one public hearing on this proposed Resolution; and

WHEREAS, in order to construct the proposed project on the subject property, the city will have to allocate a maximum of 100 flex units; now, therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That the City Commission of the City of Pompano Beach hereby allocates a maximum of 100 flex units, all of which will come from the unified flex zone for the proposed housing project to be constructed on the property which is legally described in Exhibit “A.”

SECTION 2. The number of flex units in the unified flex zone shall be reduced by how ever many units are necessary for the project, not to exceed 100 units.

SECTION 3. The proposed project shall be generally consistent in regard to building placement, setbacks and buffering with the attached conceptual site plan as shown in Exhibit “B,” a copy of which is attached hereto. Minor revisions that are necessary to meet the City’s Code and/or do not affect the density or intensity of the site, such as (but not limited to) building dimensions, stormwater retention and access locations, will be allowed without additional public hearings.

SECTION 4. The proposed Development Project must be built in substantial conformity with the attached conceptual site plan as shown in Exhibit “B,” a copy of which is attached and made a part of this Resolution. The conceptual and final site plan must be able to meet all code requirements with no variances. If the requested density cannot be accommodated on site based on all applicable code requirements, any flex units that will not fit on site must be returned to the flex pool.

SECTION 5. Prior to site plan approval the Applicant shall provide a signed agreement documenting that 45 units will be leased at 70% AMI and 15 units will be market rate units (above 120% of AMI) and how the affordability requirements will be met, pursuant to Section 154.61(E) Planning.

SECTION 6. The conceptual plan shall illustrate a type C perimeter buffer in accordance with Section 155.5203.F, Perimeter Buffers, shall screen off-street surface parking areas located adjacent to single-family residential development, in order to ensure compatibility.

SECTION 7. Prior to site plan approval, the applicant shall receive approval of an abandonment for the right-of-way that exists in the southwestern corner of the south parcel.

SECTION 8. Prior to the building permit approval, the dedication for additional right-of-way along Dixie Hwy, NW 8th Court, and NW 3rd Avenue shall be made.

SECTION 9. Prior to the building permit approval, the applicant shall provide a Unity of Title or its equivalent.

SECTION 10. Prior to the building permit approval, the applicant shall submit a platting determination letter.

SECTION 11. Failure of the applicant to obtain a principal building permit for its project as shown in Exhibit "B" within two years of the date of this resolution shall render the allocation of the flex units null and void.

SECTION 12. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this 22nd day of October, 2019.



REX HARDIN, MAYOR

ATTEST:



**ASCELETA HAMMOND
CITY CLERK**

Exhibit A

Survey 1:

PARCEL 1:

THE SOUTH FOUR (4) ACRES OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, LYING WET OF THE FLORIDA EAST COAST RAILWAY RIGHT-OF-WAY, LESS THE NORTH 133 FEET OF THE SOUTH 164 FEET OF THE EAST 210 FEET OF THE WEST 619.5 FEET THEREOF, AND LESS THE SOUTH 30 FEET FOR ROADWAY PURPOSES SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

LESS THE RIGHT-OF-WAY FOR OLD DIXIE HIGHWAY, INCLUDING THE FOLLOWING PORTION THEREOF RECENTLY DEEDED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO WIT:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 35; THENCE RUN NORTH 87°56'39" EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER (NE 1/4), A DISTANCE OF 870.28 FEET, THENCE NORTH 02°03'21" WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 50°57'00" EAST, A DISTANCE OF 30.09 FEET; THENCE NORTH 13°57'20" EAST, ALONG A LINE 80.00 FEET WESTERLY OF AND PARALLEL TO THE WESTERLY EXISTING RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY RAILROAD, A DISTANCE OF 93.62 FEET; THENCE NORTH 38°52'36" WEST, A DISTANCE OF 39.84 FEET; THENCE NORTH 88°17'28", A DISTANCE OF 58.94 FEET TO THE WESTERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 811 (DIXIE HIGHWAY); THENCE SOUTH 13°57'20" WEST, A DISTANCE OF 145.27 FEET; THENCE SOUTH 87°56'39" WEST, A DISTANCE OF 44.84 FEET TO THE POINT OF BEGINNING.

AND LESS:

PARCEL NO. 110

THAT PART OF TRACT II OF THE PLAT OF THE SUB'D OF SEC. 35, T 48 S, R 42 E, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK B, PAGE 76 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, ALSO BEING A PORTION OF THE SOUTH FOUR (4) ACRES OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 35; THENCE RUN NORTH 87°56'39" EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER (NE 1/4) A

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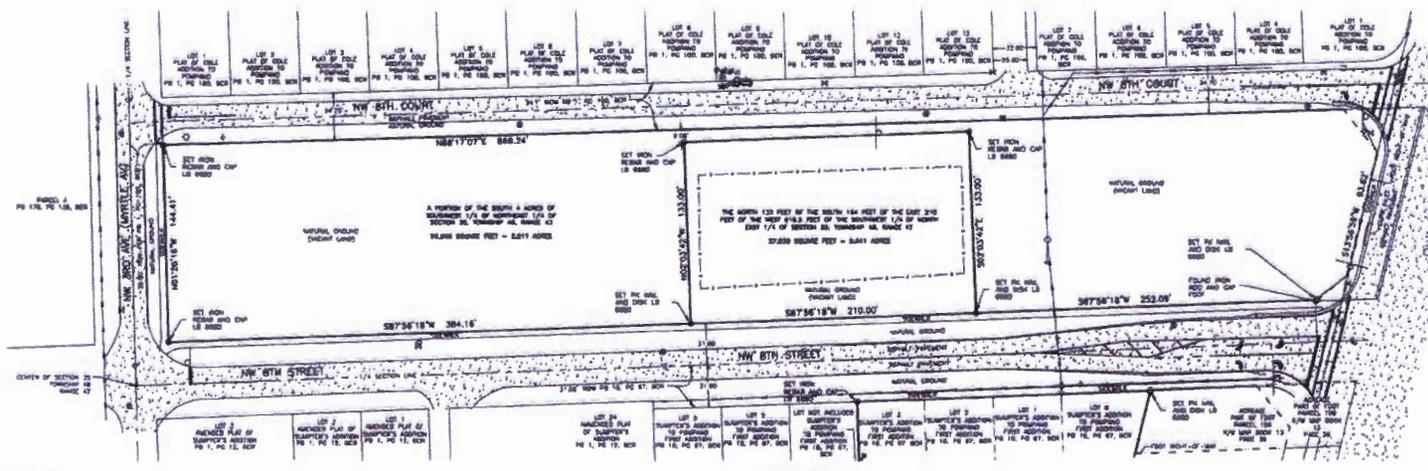
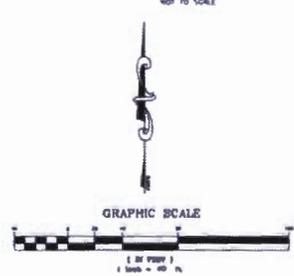
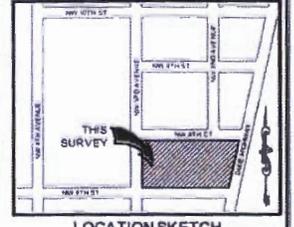
Parcel 1

LEGAL DESCRIPTION:

PARCEL 1: THE SOUTH FOUR (4) ACRES OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA... PARCEL 2: THAT PART OF TRACT 14 OF THE PLAT OF THE SWEDS OF SEC. 35, 1/4 S, 42 E, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK B, PAGE 76 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA...

SURVEY NOTES:

- 1. UNLESS OTHERWISE NOTED, RECORD VALUES AND FIELD MEASURED VALUES ARE IN SUBSTANTIAL AGREEMENT.
2. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF AN ENCOMPRISED DIGITAL SIGNATURE OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.
3. IT IS A VIOLATION OF RULE 5A-17 OF THE FLORIDA ADMINISTRATIVE CODE TO ALTER THIS SURVEY WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SURVEYOR. ADDITIONS AND/OR DELETIONS MADE TO THE FACE OF THIS SURVEY WILL MAKE THIS SURVEY INVALID.
4. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, DOWNSHIP, OR OTHER INSTRUMENTS OF RECORD.
5. OTHER THAN AS SHOWN, THERE IS NO EVIDENCE THAT UNDERGROUND ENCROACHMENTS EXIST. HOWEVER, A SUBSURFACE INVESTIGATION WAS NOT PERFORMED TO DETERMINE IF UNDERGROUND ENCROACHMENTS DO EXIST.
6. THIS SURVEY DOES NOT IDENTIFY THE LIMITS OR EXTENTS OF POTENTIAL JURISDICTIONAL BOUNDARIES.
7. BEARINGS SHOWN HEREON ARE BASED ON AN ASSURED MERIDIAN.
8. THIS SURVEY IS CLASSIFIED AS COMMERCIAL/HIGH RISK AND EXCEEDS THE MINIMUM RELATIVE DISTANCE ACCURACY OF 1 FOOT IN 10,000 FEET AS REQUIRED BY THE STANDARDS OF PRACTICE PURSUANT TO SECTION 473.027, FLORIDA STATUTES, (FORMERLY RULE 5A-17 OF THE FLORIDA ADMINISTRATIVE CODE). THE ACCURACY OBTAINED BY MEASUREMENT AND CALCULATION OF A CLOSED GEOMETRIC FIGURE WAS FOUND TO EXCEED THIS REQUIREMENT.
9. THE DIMENSIONS OF FENCES, PERIMETER WALLS AND/OR HEDGES SHOWN HEREON ARE NOT KNOWN AND THUS ARE NOT LISTED AS ENCROACHMENTS. FENCES, HEDGES AND/OR PERIMETER WALLS ARE SHOWN IN THEIR RELATIVE POSITION TO THE BOUNDARY.
10. FEATURES AND LINE WORK SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN HORIZONTAL DATUM OF 1983 WITH THE 2011 ADJUSTMENT APPLIED, TRANSVERSE MERIDIAN, FLORIDA EAST ZONE.
11. THE HORIZONTAL FEATURES SHOWN HEREON ARE PLOTTED TO WITHIN 1/40 OF THE MAP SCALE. HORIZONTAL FEATURE LOCATION IS TO THE CENTER OF THE SYMBOL, AND MAY BE ALIQUOTED FOR CLARITY. DISTANCES AND ELEVATIONS SHOWN HEREON ARE U.S. SURVEY FEET UNLESS OTHERWISE NOTED. THE EXPECTED HORIZONTAL ACCURACY OF THE INFORMATION SHOWN HEREON IS 1:1.
12. THE INTENDED DISPLAY SCALE FOR THIS SURVEY IS 1" = 40' OR SMALLER.



LEGEND:

- BLK. BROWARD COUNTY RECORDS
BLDG. BUILDING
FLG. FLORIDA DEPARTMENT OF TRANSPORTATION
FENCE
IRON ROD & CAP
MANHOLE
OFFICIAL RECORDS BOOK
RIGHT OF WAY
ROAD
WALL
WOOD FENCE
CATCH BASIN
CITY ANCHOR
FIRE DEPARTMENT CONNECTION
SHIELD POST SIGN
SANITARY SEWER MANHOLE
BACK FLOW PREVENTER
FIRE HYDRANT

CERTIFIED TO:

- PRINACAL AT ENTRADA, LLC
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
SHULTS & BOWEN LLP

CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED BOUNDARY SURVEY OF THE HEREON DESCRIBED PROPERTY IS DEPICTED TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THE INFORMATION AS SURVEYED UNDER MY DIRECTION ON NOVEMBER 19, 2014 MEETS THE STANDARDS OF PRACTICE PURSUANT TO SECTION 473.027, FLORIDA STATUTES, (FORMERLY RULE 5A-17 OF THE FLORIDA ADMINISTRATIVE CODE) SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

MICHAEL M. BOSSBY
PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 5690
STATE OF FLORIDA



Digitally signed by Michael M. Bossby
DN: cn=Michael M. Bossby, ou=AB1427000001672661800, email=Michael.M.Bossby@pandz.com, c=US
Date: 2014.07.08 15:23:54 -0500

Table with columns: DATE, REVISION, BY.

Table with columns: DATE, SCALE, FIELD BOOK, DRAWN BY, CHECKED BY.

KEITH consulting engineers logo and address: 301 EAST ARAMIC BOULEVARD, FORT LAUDERDALE, FL 33308.

BOUNDARY SURVEY
A PORTION OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTH-EAST ONE-QUARTER (NE 1/4) OF SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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DISTANCE OF 870.28 FEET; THENCE NORTH 02°03'21" WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 50°57'00" EAST, A DISTANCE OF 30.09 FEET; THENCE NORTH 13°57'20" EAST, ALONG A LINE 80.0 FEET WESTERLY OF AND PARALLEL TO THE WESTERLY EXISTING RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY RAILROAD, A DISTANCE OF 93.62 FEET; THENCE NORTH 38°52'36" WEST, A DISTANCE OF 39.84 FEET; THENCE NORTH 88°17'28" EAST, A DISTANCE OF 60.83 FEET TO THE WESTERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 811 (DIXIE HIGHWAY); THENCE SOUTH 13°57'00" WEST, A DISTANCE OF 145.25 FEET; THENCE SOUTH 87°56'39" WEST, A DISTANCE OF 46.75 FEET TO THE POINT OF BEGINNING.

SAID LAND HAVING AN AREA OF 96,568 SQUARE FEET EQUAL TO 2.217 ACRES MORE OR LESS.

PARCEL II:

THAT PORTION OF THE SOUTH FOUR (4) ACRES OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 409.5 FEET EAST OF, AND 31 FEET NORTH OF, THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 35, RUNNING THENCE EASTERLY PARALLEL WITH AND 31 FEET NORTH OF THE SOUTH BOUNDARY OF SAID NORTHEAST ONE-QUARTER (NE 1/4), 210 FEET TO A POINT, THENCE NORTHERLY 133 FEET TO A POINT, THENCE WESTERLY PARALLEL WITH THE SOUTH BOUNDARY OF SAID NORTHEAST ONE-QUARTER (NE 1/4), 210 FEET TO A POINT; THENCE SOUTHERLY 133 FEET TO THE POINT OF BEGINNING.

FURTHER DESCRIBED AS LOTS 1, 2, 4, 5, 6, AND 7 OF BLOCK 2 OF SYLVANIA, ACCORDING TO THE UNRECORDED PLAT THEREOF PREPARED BY CHARLTON-DAVIS & SHELTON CIVIL ENGINEERS, IN MARCH, 1927, ALL OF SAID LANDS LYING AND BEING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA.

THE ABOVE PROPERTY IS ALSO DESCRIBED AS THE NORTH 133 FEET OF THE SOUTH 164 FEET OF THE EAST 210 FEET OF THE WEST 619.5 FEET OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 35.

SAID LAND HAVING AN AREA OF 27,930 SQUARE FEET EQUAL TO 0.641 ACRES MORE OR LESS.

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Survey 2:

LOTS 1, 2, 3, 6 THRU 12 AND THE EAST 1/2 OF LOT 13 OF SUMPTER'S ADDITION TO POMPANO THE FIRST ADDITION PER PLAT BOOK 10 PAGE 67; TOGETHER WITH A VACATED ALLEY PORTION OF NW 6 CT (7 ST) AS DESCRIBED IN OR 45181/321 AND PER VACATED 15' ALLEY LYING BETWEEN LOTS 6 THRU 12 AND EAST 1/2 OF 13 PER OR 38597/1455 AND OR 43583/377.

SOURCE OF THE LEGAL DESCRIPTION: BROWARD COUNTY PROPERTY APPRAISER

SAID LAND HAVING AN AREA OF 116,603 SQUARE FEET EQUAL TO 2.677 ACRES MORE OR LESS.

TOGETHER WITH THOSE CITY PARCELS DESCRIBE AS:

Folio 4842 35 00 1210

35-48-42 BEG ON N LINE OF NW1/4 OF SE1/4 & ON W LINE OF FEC RR,W 210, SW 80,E 210,NE 80 TO POB, LESS N 30 OF W 154.23 M/L FOR NE 8 ST R/W

Folio 4842 35 00 1220

35-48-42 BEG 80 FT SWLY OF INTERSECTION OF N/L OF NW1/4 OF SE1/4 WITH W/L OF FEC RR,W 210,S 75, E 210,N 75 TO POB,LESS E 56.98 FOR ST

Folio 4842 35 00 1230

35-48-42 BEG 155 S OF N/L NW1/4 OF SE1/4 & W/L FEC R/W,W 210,S 75,E 210 TO R/W,N 75 TO BEG LESS 20 ON E USED AS DIXIE HWY AKA: PARCEL "A" OF PARCEL 105 OF CA 93-27271 FOR SR 811

Folio 4842 35 00 1240

35-48-42 BEGIN 170 NE FROM SE COR OF N3/4 OF N1/2 OF NW1/4 OF SE1/4 W OF R/W,THENCE RUN NE 100, W 210,SW 100,E 210 TO POB LESS E 55 FOR ST AKA: PARCEL "C" OF PARCEL 105 OF CA 93-27271 FOR SR 811

Folio 4842 35 00 1251

35-48-42 BEG AT INTER S/L OF N1/2 OF S1/2 OF N1/2 OF NW1/4 OF SE1/4 & W/L OF FEC R/W,NE 110 TO POB,NELY 60,WLY 210,SWLY 60, ELY 210 TO POB AKA: PARCEL "B" OF PARCEL 105 OF CA 93-27271 FOR SR 811

Folio 4842 35 00 1250

35-48-42 BEG AT INTER OF S/L OF N1/2 OF S1/2 OF N1/2 OF NW1/4 OF SE1/4 & W/L OF FEC R/W,NELY 110, W 210,SWLY 110,E 210 TO POB AKA: PARCEL "D" OF PARCEL 105 OF CA 93-27271 FOR SR 811

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