



**City Attorney's Communication #2020-613**

March 2, 2020

**TO:** Cassandra LeMasurier, Real Property Manager

**FROM:** James E. Saunders III, Assistant City Attorney

**RE:** Ordinance Approving an Operating and Management Agreement and Resolution Accepting Deed of Gift / Pompano Beach Historical Society, Inc.

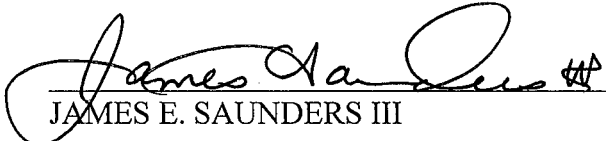
As requested, attached is the revised Deed of Gift from the Pompano Beach Historical Society, Inc., along with the appropriate resolution captioned as follows:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING A DEED OF GIFT FOR KESTER COTTAGES FROM POMPANO BEACH HISTORICAL SOCIETY, INC.; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE.**

Also, I have prepared and attached the Operating and Management Agreement with the Pompano Beach Historical Society, Inc. regarding the Hood Center and Kester Cottages along with the appropriate ordinance captioned as follows:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN OPERATING AND MANAGEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO BEACH HISTORICAL SOCIETY, INC. FOR THE OPERATION AND MANAGEMENT OF THE HOOD CENTER AND KESTER COTTAGES AND RELATED PROGRAMMING AND EXHIBITS FOR THE BENEFIT OF THE PUBLIC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

Please feel free to contact me if I may be of further assistance.

  
JAMES E. SAUNDERS III

JES/jrm  
l:cor/finance/real-prop/2020-613500

Attachments

RESOLUTION NO. 2020- \_\_\_\_\_

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

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING A DEED OF GIFT FOR KESTER COTTAGES FROM POMPANO BEACH HISTORICAL SOCIETY, INC.; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Pompano Beach Historical Society, Inc. is the owner of the two cottages donated in 1974 by Stewart Kester, nephew of the City Pioneer, William L. Kester, and currently located in Founders Park; and

**WHEREAS**, the cottages serve as museums to preserve the rich history of Pompano Beach, displaying artifacts of the working life of Pompano, including farm equipment, military, home front and school memorabilia, and items from a lumber yard, a print shop and a pharmacy; and

**WHEREAS**, the Pompano Beach Historical Society, Inc. has agreed to operate and manage the cottages and the Hood Center as museums, in consideration for the City's assumption of all building and grounds maintenance and other ownership responsibilities; and

**WHEREAS**, the City Commission has determined that the best interests of the public will be served by accepting and acquiring the rights being conveyed by the Deed of Gift; now, therefore,

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

**SECTION 1.** That the City of Pompano Beach accepts the Deed of Gift for the Kester Cottages. A copy of the Deed of Gift is attached and made a part of this Resolution as if set forth in full.

**SECTION 2.** That it is the determination of the City Commission of the City of Pompano Beach, Florida, that the acceptance and acquisition of the described property rights are for a public purpose.

**SECTION 3.** This Ordinance shall be recorded in the public records of Broward County, Florida.

**SECTION 4.** This Resolution shall become effective upon passage.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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**REX HARDIN, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

JES:jrm  
3/2/2020  
l:reso/2020-153

**Prepared By and Return to:**  
Mark E. Berman, City Attorney  
City of Pompano Beach  
P. O. Box 2083  
Pompano Beach, Florida 33061

**DEED OF GIFT**

I, PETER WILLIAMS, as President of the POMPANO BEACH HISTORICAL SOCIETY (“SOCIETY”), 217 N.E. 4<sup>th</sup> Street, Pompano Beach, Florida 33060, on behalf of the SOCIETY, irrevocably and unconditionally grant, and convey, by way of gift, to the CITY OF POMPANO BEACH (“CITY”) and its successors and assigns, all of the rights, title, and interest in, arising from and to the Kester Cottages (“Historical Site”). By this deed, the SOCIETY makes an unconditional gift of the Historical Site and transfers not only legal and beneficial title, but also all other rights associated with the Historical Site such as physical and intellectual rights.

**Affirmation of Title.** I, on behalf of the SOCIETY, affirm that the SOCIETY owns the Historical Site and has good and complete right, title and interest in and to the Historical Site and transfer all rights and title, and relinquish any interest from and to the Historical Site. I, on behalf of the SOCIETY, understand and agree that the SOCIETY is giving the Historical Site to the CITY as an unrestricted gift and relinquish any rights which it may possess, not including its contents and movable fixtures.

I, on behalf of the SOCIETY, understand and agree that access to the Historical Site will be granted to the public subject to the rules of the CITY.

**Indemnification and Hold Harmless.** Upon execution and delivery of this Deed of Gift to the CITY, the SOCIETY agrees to indemnify and hold harmless the CITY for any claims, damages, losses and expenses (including attorney’s fees) which may arise out of negligent error or omission in donating a gift that is not free and clear of encumbrances, infringements or any other defect which may make such property unmarketable and draw legal ramifications.

I, on behalf of the SOCIETY, understand and agree that the SOCIETY’s access and use of the Historical Site will be according to the policies and procedures of the CITY unless other arrangements are made and agreed upon in writing.

This Deed of Gift shall be governed by the laws of the state of Florida.

IN WITNESS WHEREOF, I, on behalf of the SOCIETY, intending to be legally bound, have executed this Deed of Gift on \_\_\_\_ day of \_\_\_\_\_, 2020.

WITNESSES:

POMPANO BEACH HISTORICAL SOCIETY, INC., a Florida nonprofit corporation

[Signature]  
JAMES POST  
(Print or type name)

BY: [Signature]  
Peter Williams, President

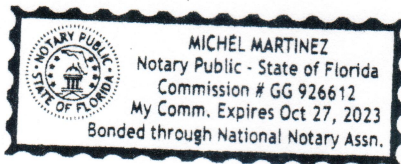
[Signature]  
CAROL ANN MOTT  
(Print or type name)

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me, by means of  physical presence or  online notarization, this 3rd day of march, 2020, by Peter Williams as President of POMPANO BEACH HISTORICAL SOCIETY, INC., a Florida not-for-profit corporation on behalf of the company (He is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

NOTARY'S SEAL:

[Signature]  
NOTARY PUBLIC, STATE OF FLORIDA  
Michel Martinez  
(Name of Acknowledger Typed, Printed or Stamped)  
GG 926612  
Commission Number



CITY accepts the gift this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Witnesses:

**CITY OF POMPANO BEACH**

\_\_\_\_\_

By: \_\_\_\_\_  
REX HARDIN, MAYOR

\_\_\_\_\_

By: \_\_\_\_\_  
GREGORY P. HARRISON, CITY MANAGER

Attest:

\_\_\_\_\_  
ASCELETA HAMMOND  
CITY CLERK

(SEAL)

Approved As To Form:

\_\_\_\_\_  
MARK E. BERMAN  
CITY ATTORNEY

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me, by means of  physical presence or  online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by **REX HARDIN** as Mayor, **GREGORY P. HARRISON** as City Manager and **ASCELETA HAMMOND** as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who are personally known to me.

NOTARY'S SEAL:

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

\_\_\_\_\_  
(Name of Acknowledger Typed, Printed or Stamped)

\_\_\_\_\_  
Commission Number

JES:jrm  
3/2/2020  
L:agr/Manager/2020-501