



City Attorney's Communication #2021-1049

September 2, 2021

TO: Cassandra LeMasurier, Real Property Manager


FROM: Mark E. Berman, City Attorney

RE: Resolution – Release of Restrictions

As requested in your memorandum dated August 26, 2021, the following form of Resolution, relative to the above-referenced matter, has been prepared and is attached:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A RELEASE OF RESTRICTIONS BETWEEN THE CITY OF POMPANO BEACH AND THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY REGARDING PROPERTY LOCATED AT 409 NW 6TH AVENUE AND 424 NW 4TH COURT; PROVIDING AN EFFECTIVE DATE.

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



MARK E. BERMAN

/jrm
l:cor/finance/realpropmgr/2021-1049

Attachment

RESOLUTION NO. 2021-_____

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A RELEASE OF RESTRICTIONS BETWEEN THE CITY OF POMPANO BEACH AND THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY REGARDING PROPERTY LOCATED AT 409 NW 6TH AVENUE AND 424 NW 4TH COURT; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That a Release of Restriction between the City of Pompano Beach and the Pompano Beach Community Redevelopment Agency, a copy of which is attached hereto and incorporated by reference as if set forth in full, is hereby approved.

SECTION 2. That the proper City officials are hereby authorized to execute said Release of Restrictions between the City of Pompano Beach and the Pompano Beach Community Redevelopment Agency.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2021.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

Prepared By and Return to:
Office of the City Attorney
City of Pompano Beach
P. O. Box 2083
Pompano Beach, Florida 33061

RELEASE OF RESTRICTION

WHEREAS, on April 23, 2002, the CITY OF POMPANO BEACH, (“the City”) the then owner of the real properties described below (“Properties”) transferred ownership of the Properties to the Pompano Beach Community Redevelopment Agency (“the Owner”) with a reverter clause (“Restriction”) on the use of said Property, which was recorded on June 11, 2002, in Official Records Book 33261, Page 270, of the Public Records of Broward County, Florida; and

WHEREAS, the Restriction states:

If any part of the subject properties shall not be used and maintained as a residence for affordable housing based on the State of Florida annually published maximum affordable sales price for newly constructed homes in Broward County, or if any part ceases to be used and maintained for any of such purposes, or if any part be used for any other purpose inconsistent with such purposes, then all the right, title and interest in and to such property and the improvements thereon, shall revert to and revest in the first party, its successors or assigns; provided, that under such condition subsequent, the City’s reversionary interest and any revesting of title in the City shall always be subject and insubordinate to and limited by, and shall not defeat, render invalid or limit in any way the lien of any mortgage, or holders of mortgages.

WHEREAS, the Pompano Beach Community Redevelopment Agency owns the Properties, which are legally described as:

FOLIO: 8235-24-0040
ADDRESS: 409 NW 6th Avenue
LEGAL: LOT 3, BLOCK 2, J.J. HOGAN’S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

FOLIO: 8235-19-0190
ADDRESS: 424 NW 4th Court
LEGAL: LOT 10, BLOCK 2, SHEWMAKE PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 52, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

WHEREAS, the Owner of the Property has requested that the Restriction be canceled and released; and

WHEREAS, the need for the Restriction is no longer in existence, and the City is willing to cancel and release the Restriction.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner and City agree as follows:

1. Recitals. The above recitals are true and correct and incorporated herein by reference.
2. Release. The Restriction is hereby canceled and released and shall have no further force or effect.
3. Recording. This Release will be recorded by the City of Pompano Beach, at the Owner's expense, in the Public Records of Broward County, Florida, upon full execution.

IN WITNESS WHEREOF, the parties hereto have caused this Release to be executed the _____ day of _____, 2021.

"CITY":

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

“OWNER”:

Signed, Sealed and Witnessed
In the Presence of:

**POMPANO BEACH COMMUNITY
REDEVELOPMENT AGENCY**

Print Name: _____

By: _____
Rex Hardin, Chairman

Print Name: _____

ATTEST:

Marsha Carmichael, Secretary

EXECUTIVE DIRECTOR:

Print Name: _____

By: _____
Gregory P. Harrison

Print Name: _____

Approved as to Form:

Claudia M. McKenna, CRA 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 _____, 2021, by **REX HARDIN** as Chairman, **GREGORY P. HARRISON** as Executive Director, and **MARSHA CARMICHAEL** as Secretary of the Pompano Beach Community Redevelopment Agency, who is personally known to me.

NOTARY’S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

/jrm
9/1/21
L:realest/2021-1045