Prepared by and return to:
Fawn Powers, Assistant City Attorney
City of Pompano Beach
100 West Atlantic Boulevard
Pompano Beach, Florida 33060

SIGHT VISIBILITY EASEMENT AGREEMENT

THIS SIGHT VISIBILITY EASEMENT AGREEMENT (this "Agreement) is made and executed this _____ day of _____, 2018, by John Rapp and Candyce Rapp (collectively "Grantor") who own and reside at the real property located at 2600 NE 5th Street, Pompano Beach, FL 33060 (the "Property") and the CITY OF POMPANO BEACH (the "Grantee"), a municipal corporation of the State of Florida, having a business address of 100 West Atlantic Boulevard, Pompano Beach, Florida 33060.

WITNESSETH

WHEREAS, Grantor is lawfully seized in fee simple and in possession of the above referenced Property situated in Broward County, Florida; and

WHEREAS, Grantor desires to grant a non-exclusive sight visibility easement in, on, over, under, through, and across that certain portion of the Property located at 2600 NE 5th Street which is more particularly described in the survey attached hereto and made a part hereof as Exhibit "A" (the "Easement Area").

NOW, THEREFORE, in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor states as follows:

1. Grantor does hereby grant unto the Grantee, a perpetual non-exclusive sight visibility easement in, on, over, under, through, and across the Easement Area, which shall constitute only those areas identified in, and controlled by, Section 155.5203.B.2.a.ii. of the City's Code of Ordinances, as amended, and solely to the extent of the requirements contained in said section.

2. Grantor agrees to ensure the requirements of Section 155.5203B.2.a.ii. of the City's Code of Ordinances are at all times satisfied so that the visibility of the canal is preserved.

3. No plant material shall be installed or maintained in the Easement Area above three feet in height, including, but not limited to trees, palms, shrubs, hedges or groundcover.

4. Grantee shall have the right to keep the Easement Area cleared of obstructions.

5. Grantor shall not install or maintain any walls or fences within the Easement Area.

6. The Easement granted shall be binding upon the Grantor, its successors and assigns, and except as otherwise provided herein, not released or amended in any manner without Grantee's written consent.

7. All provisions of this Agreement, including the benefits and burdens, run with the land and are binding upon and inure to the heirs, assigns, successors, tenants, and personal representatives of the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

"GRANTOR":

Witnesses:

Witness 1 Signature

Print Name

Witness 2 Signature

Print Name

JOHN RAPP

CANDYCE RAPP

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 11 day of October, 2018 by John Rapp and Candyce Rapp who are personally known to me or who have produced FL DL (type of identification) as identification.

NOTARY'S SEAL:

Notary Public State of Florida
Lauren M Gratzer
My Commission GG 183704
Expires 02/07/2022

NOTARY PUBLIC, STATE OF FLORIDA

Lauren M. Gratzer
(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

"CITY":

Witnesses:

CITY OF POMPANO BEACH

By: LAMAR FISHER, MAYOR

By: GREG P. HARRISON, CITY MANAGER

Attest:

ASCELETA HAMMOND, CITY CLERK (SEAL)

Approved by:

MARK E. BERMAN, CITY ATTORNEY

STATE OF FLORIDA
COUNTY OF BROWARD

The forgoing instrument was acknowledged before me this ____ day of _____, 2018, by _____ as Mayor, **Greg P. Harrison** as City Manager, and **Asceleta Hamond** as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY SEAL:

_____
NOTARY PUBLIC, STATE OF FLORIDA

_____
(Name of Acknowledger Typed, Printed or Stamped)

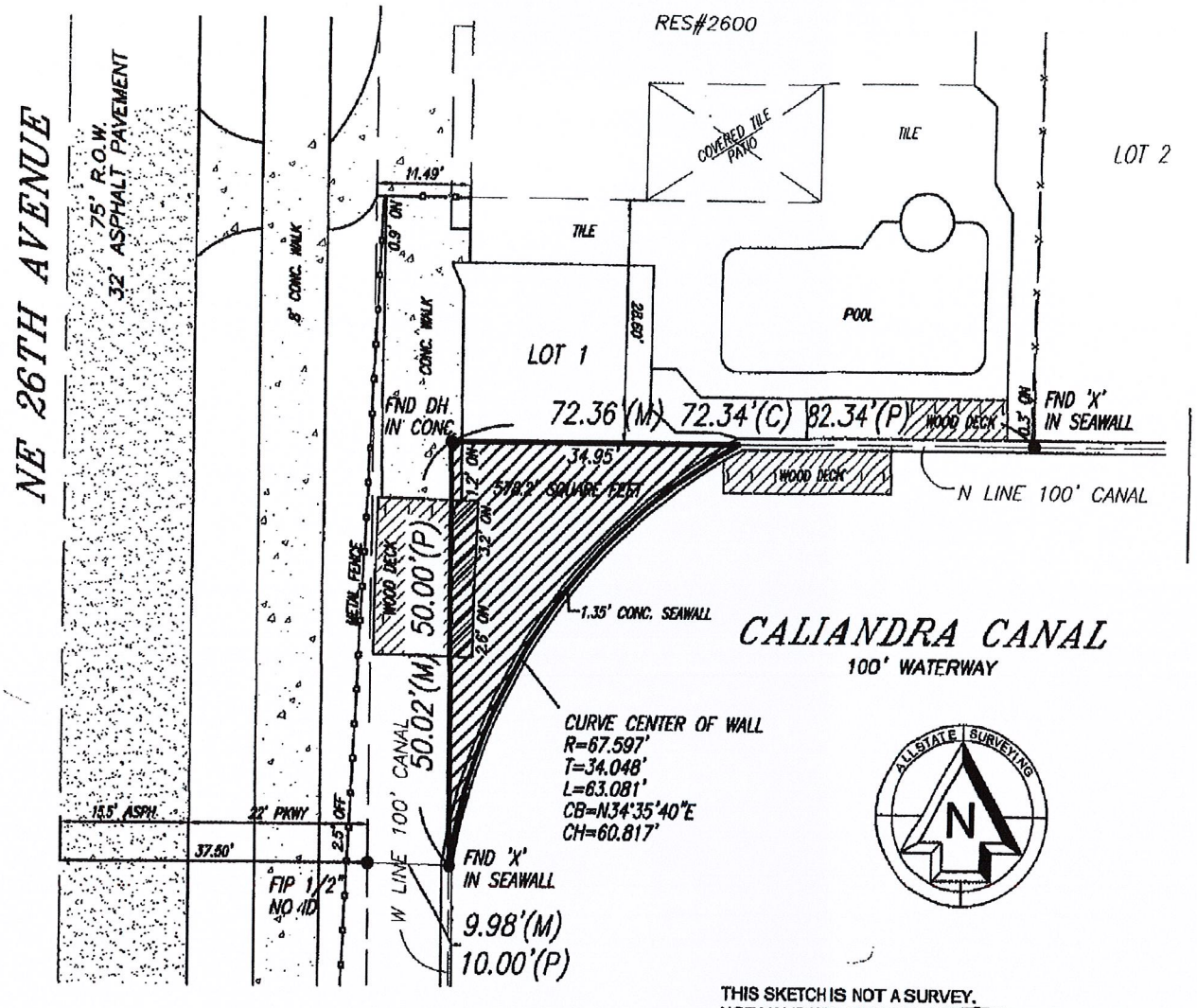
_____
Commission Number

Exhibit A

LEGAL DESCRIPTION:

ALL THAT PARCEL OF LAND LOCATED SOUTH OF AND ADJACENT THERETO TO THE SOUTH BOUNDARY LINE OF LOT 1, BLOCK 10, OF HARBOR VILLAGE SECTION "C", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 33, PAGE 47, OFFICIAL RECORDS OF BROWARD COUNTY, FLORIDA. (SAID SOUTH BOUNDARY LINE BEING COINCIDENT WITH THE NORTH LINE OF A 100 FOOT CANAL DEDICATED PER SAID PLAT AS CALIANDRA CANAL) AND LOCATED EAST OF AND ADJACENT THERETO TO THE EAST BOUNDARY LINE OF LOT 1, BLOCK 10, OF HARBOR ILLAGE SECTION "C", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 33, PAGE 47, OFFICIAL RECORDS OF BROWARD COUNTY, FLORIDA, (SAID EAST BOUNDARY LINE BEING COINCIDENT WITH THE WEST LINE OF A 100 FOOT CANAL DEDICATED PER SAID PLAT AS CALIANDRA CANAL) AND LOCATED NORTH OF AND ADJACENT THERETO TO THE CENTER LINE OF AN EXISTING CONCRETE SEAWALL.

SKETCH OF PROPOSED CANAL TO BE ABANDONED



THIS SKETCH IS NOT A SURVEY.
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER 2015 (C)

BILL H. HYATT, JR.
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA LICENSE NUMBER 4636

LEGAL DESCRIPTION:

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AllState Surveying
State of the Art Land Surveying & Mapping
Phone: (888) 569-0480 | Fax: (888) 569-4590 | www.AllStateSurveyors.com
1844 N Nob Hill Road, #429, Sunrise, Florida 33322

PAGE: 1 OF 1	FILE NUMBER: RAP.JO.04-14	DATE: 04/03/2015
SKETCH OF PROPOSED CANAL TO BE ABANDONED		DRAWN BY: C.L.