



City Attorney's Communication #2021-1187

September 30, 2021

TO: Cassandra LeMasurier, Real Property Manager

FROM: Mark E. Berman, City Attorney

RE: Resolution Declaring Surplus a Three-Foot Right-of-Way and Conveyance by Quit Claim Deed to Broward County

As requested in your memorandum of September 28 2021, Real Property Manager #21-039, the above-referenced Resolution has been prepared and is captioned as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DECLARING SURPLUS AND EXPRESSING THE DESIRE OF THE CITY OF POMPANO BEACH TO CONVEY TO BROWARD COUNTY REAL PROPERTY DESCRIBED AS A THREE-FOOT RIGHT-OF-WAY FOR SOUTH ANDREWS AVENUE; PROVIDING AN EFFECTIVE DATE.

Please carefully review the Resolution to ensure that it meets with your requirements.

MARK E. BERMAN

/jrm
l:cor/finance/rpm/2021-1187

Attachment

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DECLARING SURPLUS AND EXPRESSING THE DESIRE OF THE CITY OF POMPANO BEACH TO CONVEY TO BROWARD COUNTY REAL PROPERTY DESCRIBED AS A THREE-FOOT RIGHT-OF-WAY FOR SOUTH ANDREWS AVENUE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pompano Beach and Broward County co-own certain real property described as a three-foot right-of-way for South Andrews Avenue consisting of 1,650 square feet or 0.0379 acres more or less, and more specifically described in the attached Exhibit “A,” which, pursuant to Section 253 of the Charter of the City of Pompano Beach, qualifies to be declared surplus property; and

WHEREAS, the City has declared its intent to transfer its interest in the property to Broward County; and

WHEREAS, the City Commission of the City of Pompano Beach finds that Broward County meets the requirements of Paragraph H of Section 253 of the City Charter; now, therefore,

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

SECTION 1. That the City of Pompano Beach does hereby declare as surplus, and does hereby express its desire to convey to Broward County, in accordance with the provisions of the City Charter, a three-foot right-of-way for South Andrews Avenue, with said property being described in Exhibit “A,” attached hereto and made a part hereof.

SECTION 2. In accordance with Section 253 of the Pompano Beach Charter, the City Commission hereby finds, determines and declares as follows:

- A. There are no improvements upon the above-described lands.
- B. Said land is owned by the City as stated above, and the property has not been used for any purpose since being acquired by the City.

C. As the property has not been used for any purpose it is therefore determined and declared by the City to be surplus property.

SECTION 3. That the City Commission finds that the transfer of the City's interest in the Property to Broward County meets all the requirements of Section 253 (h) (1) – (4) of the City's Charter, including but not limited to the reasons stated as follows:

A. A transfer of the property to the other governmental agency shall provide a benefit to the City of Pompano Beach, as the City will no longer pay to maintain the right-of-way abutting the county road.

B. That the transfer to any other party other than the governmental agency would not provide the same benefit to the people of Pompano Beach, as the right-of-way is adjacent to a county road.

C. That the compensation to be received by the City of Pompano Beach is fair and equitable, as the City no longer will pay to maintain the right-of-way, which is adjacent to a county road.

D. That the governmental agency to which the land is being transferred would in any event have the power of eminent domain over said property.

SECTION 4. That the proper City officials are hereby authorized to execute the attached Quit Claim Deed to effectuate transfer of the property as provided herein.

SECTION 5. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2021.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
9/30/21
l:surplus/2021-336

EXHIBIT "A"

Legal Description

A portion of the Southwest one-quarter (SW ¼) of Section 2, Township 49 South, Range 42 East, Broward County, Florida, more fully described as follows:

Commencing at the West quarter corner of said Section 2; thence North 86°30'51" East, on the North line of said Southwest one-quarter (SW ¼) of Section 2, a distance of 326.32 feet to the Point of Beginning; thence continuing North 86°30'51" East, on said North line, a distance of 3.00 feet; thence South 04°02'24" East, on the existing West right-of-way line of North Andrews Avenue Extension (SW 12th Avenue). 100 foot right-of-way per Official Records Book 1160, Page 383, Broward County Records, a distance of 550.03 feet; thence South 86°30'51" West, on a line 550.00 feet South of and parallel with (as measured at right angles) the said North line of the Southwest one-quarter (SW ¼) of Section 2, a distance 3.00 feet; thence North 04°02'24" West, on a line 3.00 feet West of and parallel with (as measured at right angles) the said West right-of-way line of North Andrews Extension, a distance of 550.03 feet to the Point of Beginning.

Said lands situate, lying and being in the City of Pompano Beach, Broward County, Florida and containing 1,650 square feet or 0.0379 acres more or less.

Folio No. 4942 02 00 0755