

ORDINANCE NO. 2023-_____

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING THE PROPERTY COMPRISED OF THREE PARCELS LYING ON THE WEST SIDE OF NW 31ST AVENUE, EAST OF THE FLORIDA TURNPIKE AND INCLUDING THE PROPERTY COMMONLY KNOWN AS 1201 NW 31ST AVENUE FROM B-3 (GENERAL BUSINESS) AND B-4 (HEAVY BUSINESS) TO I-1 (GENERAL INDUSTRIAL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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 ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach, Florida; and

WHEREAS, pursuant to Section 155.2305.C, of the Pompano Beach Code of Ordinances, notice in accordance with said section has been mailed notifying owners of real property within 500 feet of the subject parcel of the first City Commission public hearing on this proposed Ordinance; and

WHEREAS, a public hearing before the City Commission was held pursuant to the aforesaid notice, at which hearing the parties in interest and all other citizens so desiring, had an opportunity to be, and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That the City Commission of the City of Pompano Beach, having considered the evidence and argument presented at the public hearing, finds that the Applicant has provided, as part of the record of the public hearing on the application, competent substantial evidence that the proposed amendment is consistent with the Future Land Use Category and any

applicable goals, objectives and policies of the Comprehensive Plan and all other applicable city adopted plans.

SECTION 2. That the property more particularly described in Exhibit "A," attached hereto and made a part hereof ("Property), which Property is hereby rezoned from a present zoning classification of B-3 (General Business) and B-4 (Heavy Business) to I-1 (General Industrial) as said zoning classification is defined by Chapter 155 of the Code of Ordinances of the City of Pompano Beach, Florida.

SECTION 3. That the Development Services Director is hereby directed to mark the zoning provided for in this Ordinance on the Official Zoning Map of the City of Pompano Beach.

SECTION 4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5. This Ordinance shall become effective upon passage.

PASSED FIRST READING this ____ day of _____, 2023.

PASSED SECOND READING this ____ day of _____, 2023.

REX HARDIN, MAYOR

ATTEST:

KERVIN ALFRED, CITY CLERK

:jrm
12/19/22
L:ord/2023-69

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL "A", MOTEL 6 – POMPAÑO BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 112, PAGE 27, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 2:

THE SOUTH 180 FEET OF THE FOLLOWING PARCEL OF LAND: A PORTION OF THE NE 1/4 OF SECTION 32 AND A PORTION OF THE NW 1/4 OF SECTION 33, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NW 1/4 OF THE NW 1/4 OF SECTION 33, TOWNSHIP 48 SOUTH, RANGE 42 EAST, AND RUN ON AN ASSUMED BEARING OF N89°51'07"E, ALONG THE SOUTH LINE OF THE SAID NW 1/4 OF SECTION 33 FOR 696.91 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF ATLANTIC BOULEVARD EXTENSION; THENCE RUN N15°51'17"E, ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE OF ATLANTIC BOULEVARD EXTENSION FOR 536.04 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE OF ATLANTIC BOULEVARD EXTENSION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1859.86 FEET AND A CENTRAL ANGLE OF 5°38'56" FOR AN ARC DISTANCE OF 183.36 FEET TO THE POINT OF BEGINNING; THENCE RUN WESTERLY ON A BEARING OF S88°35'42"W TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY OF THE SUNSHINE STATE PARKWAY; THENCE SOUTHWESTERLY ALONG THE EAST RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY TO A POINT, BEING THE INTERSECTION OF A LINE 360 FEET SOUTH OF AND PARALLEL TO THE ABOVE DESCRIBED EAST-WEST LINE; THENCE RUN EASTERLY ON A BEARING OF N88°35'42"E TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF ATLANTIC BOULEVARD EXTENSION; THENCE RUN NORTHERLY ALONG THE WEST RIGHT-OF-WAY LINE OF ATLANTIC BOULEVARD EXTENSION TO THE POINT OF BEGINNING;

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL OF LAND:

A PORTION OF THE NE 1/4 OF SECTION 32 AND A PORTION OF THE NW 1/4 OF SECTION 33, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NW 1/4 OF THE NW 1/4 OF SECTION 33, TOWNSHIP 48 SOUTH, RANGE 42 EAST, AND RUN ON AN ASSUMED BEARING OF NORTH 89°51'07" EAST, ALONG THE SOUTH LINE OF THE SAID NW 1/4

OF SECTION 33 FOR 696.91 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF ATLANTIC BOULEVARD EXTENSION; THENCE RUN NORTH 15°51'17" EAST, ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE OF ATLANTIC BOULEVARD EXTENSION FOR 536.04 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE OF ATLANTIC BOULEVARD EXTENSION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1859.86 FEET AND A CENTRAL ANGLE OF 5°38'56" FOR AN ARC DISTANCE OF 183.36 FEET TO THE POINT OF BEGINNING; THENCE RUN WESTERLY ON A BEARING OF SOUTH 88°35'42" WEST TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY OF THE SUNSHINE STATE PARKWAY; THENCE SOUTHWESTERLY ALONG THE EAST RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY TO A POINT, BEING THE INTERSECTION OF A LINE 180 FEET SOUTH OF AND PARALLEL TO THE ABOVE DESCRIBED EAST-WEST LINE; THENCE RUN EASTERLY ON A BEARING OF NORTH 88°35'42" EAST TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF ATLANTIC BOULEVARD EXTENSION; THENCE RUN NORTHERLY ALONG THE WEST RIGHT-OF-WAY LINE OF ATLANTIC BOULEVARD EXTENSION TO THE POINT OF BEGINNING;

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

LESS AND EXCEPT FROM PARCEL 2 THE FOLLOWING TWO PARCELS OF LAND:

LESS OUT A:

ALL OF THE PLAT OF MOTEL 6 – POMPAÑO BEACH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 112, PAGE 27, INCLUDING BUT NOT LIMITED TO THAT CERTAIN 50 FOOT ADDITIONAL RIGHT OF WAY DEDICATED BY THE PLAT.

LESS OUT B:

ALL OF THAT CERTAIN PARCEL OF LAND CONVEYED BY MOTEL 6 OPERATING, L.P. TO MICHAEL L. THOMAS, TRUSTEE, BY THE SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 16308, PAGE 161, AND DESCRIBED AS FOLLOWS:

A PORTION OF THE NE 1/4 OF SECTION 32 AND A PORTION OF THE NW 1/4 OF SECTION 33, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, AND A PORTION OF PARCEL "A" OF "MOTEL 6 – POMPAÑO BEACH", AS RECORDED IN PLAT BOOK 112, PAGE 27, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL "A", RUN ON AN ASSUMED BEARING S88°44'35"W, ALONG THE SOUTH LINE OF SAID PARCEL "A", ALSO BEING THE NORTH LINE OF PARCEL "A" OF "NEILL PLAT", AS RECORDED IN PLAT BOOK 89, PAGE 20, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, 450.50 FEET TO A POINT OF BEGINNING; THENCE CONTINUE S88°44'35"W, ALONG THE LAST DESCRIBED LINE 452.95 FEET TO THE EASTERLY RIGHT-OF-WAY

LINE OF SUNSHINE STATE PARKWAY; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG A CURVE TO THE LEFT WHOSE TANGENT BEARS N26°17'51.8"E AT THAT POINT, WITH A RADIUS OF 7789.44 FEET AND A CENTRAL ANGLE OF 2°56'55", AN ARC DISTANCE OF 400.86 FEET; THENCE N88°44'35"E 276.74 FEET TO THE NORTHWEST CORNER OF SAID "MOTEL 6 – POMPAÑO BEACH"; THENCE S01°15'25"E 360 FEET TO THE POINT OF BEGINNING.

LESS THAT PORTION OF PARCEL "A" OF "MOTEL 6 – POMPAÑO BEACH", AS RECORDED IN PLAT BOOK 112, PAGE 27, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL "A"; RUN ON AN ASSUMED BEARING OF S88°44'35"W 450.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S88°44'35"W 222 FEET; THENCE N01°15'25"W 150 FEET; THENCE N88°44'35"E 222 FEET; THENCE S01°15'25"E 150 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF POMPAÑO BEACH, BROWARD COUNTY, FLORIDA AND CONTAINING 226, 192 SQUARE FEET (5.19 ACRES), MORE OR LESS.