



City Attorney's Communication #2019-316
January 2, 2019

TO: Cassandra LeMasurier, Real Property Manager
FROM: Mark E. Berman, City Attorney
RE: Resolution – Surplus Properties

As requested in your memorandum of November 27, 2018 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, DECLARING CERTAIN CITY PROPERTY SURPLUS AND CONVEYING SAID CITY PROPERTY TO THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE.

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



MARK E. BERMAN

/jmz
l:cor/cra/2019-316

Attachment

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DECLARING CERTAIN CITY PROPERTY SURPLUS AND CONVEYING SAID CITY PROPERTY TO THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pompano Beach owns certain real property consisting of eight (8) parcels, more specifically described in Exhibit “A” attached, which, pursuant to Section 253 of the Charter of the City of Pompano Beach, which qualify to be declared surplus property; and

WHEREAS, the City has declared its intent to transfer the properties to the Pompano Beach Community Redevelopment Agency; and

WHEREAS, the City Commission of the City of Pompano Beach finds that the Pompano Beach Community Redevelopment Agency 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 the Pompano Beach Community Redevelopment Agency, in accordance with the provisions of the City Charter, several parcels of real property, with said properties 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 lands are owned by the City as stated above, and the properties have not been used for any purpose since being acquired by the City.

C. As the properties have 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 Properties to the Pompano Beach Community Redevelopment Agency 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 properties to the other governmental agency shall provide a benefit to the City of Pompano Beach. The CRA and its staff will ensure the development of the conveyed properties to promote economic development.

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. The CRA is the appropriate agency to convey the parcels to in order to ensure that the City/CRA's intended "use" of the parcels and subsequent projects are consistent with the City/CRA's goals and objectives for the community.

C. That the compensation to be received by the City of Pompano Beach is fair and equitable. The compensation received by the City are six (6) parcels of land to be transferred by the CRA to the City, and also, the development of the land transferred by the City. The development of the transferred parcels will add taxable value to the City of Pompano Beach's tax base. The existing land in its present state is not on the tax rolls of the City. The CRA staff will coordinate the development of the conveyed parcels to ensure the goals and objectives of the City and CRA are met.

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 properties as provided herein.

SECTION 5. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2019.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm:jmz
1/2/19
l:surplus/2019-60

EXHIBIT "A"

Address: 428 NW 4th Court
Folio Number: 484235190180
Acquired by Certificate of Title on May 21, 2013

Address: 417 NW 6th Avenue
Folio Number: 484235240060
Acquired by Certificate of Title on June 25, 2013

Address: 402 NW 7th Avenue
Folio Number: 484235000790
Acquired by Certificate of Title on December 28, 2011

Address: 205 NW 7th Terrace, No. 1-4
Folio Number: 484235001022
Acquired by Special Warranty Deed on October 19, 2012

Address: 24 NW 9th Avenue
Folio Number: 484235040200
Acquired by Certificate of Title on May 21, 2013

Address: 205 NW 1st Street
Folio Number: 484235200050
Acquired by Quit Claim Deed on September 8, 2003

Address: 101 NW 2nd Avenue
Folio Number: 484235200051
Acquired by Order of Taking on April 3, 1974

Address: 324 NW 2nd Avenue
Folio Number: 484235080370
Acquired by Quit Claim deed on January 17, 2012

This Instrument Prepared By:
Mark E. Berman, City Attorney
City of Pompano Beach
P. O. Box 2083
Pompano Beach, Florida 33061

QUIT CLAIM DEED

Executed this _____ day of _____, 2019, by

CITY OF POMPANO BEACH, a municipal corporation of the County of Broward, State of Florida, whose post office address is 100 W. Atlantic Boulevard, P. O. Box 2083, Pompano Beach, Florida 33061, referred to as "first party," to

POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY, whose post office address is 100 W. Atlantic Boulevard, Pompano Beach, Florida 33060, hereinafter referred to as "second party."

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that the said first party, for and in consideration of the sum of TEN and No/100 DOLLARS (\$10.00) in hand paid by the second party, the receipt of which is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land situate, lying and being in the County of Broward, State of Florida, to-wit:

Lot 9, Block 2, Shewmake Park, according to the Plat thereof, as recorded in Plat Book 2, Page 52, Public Records of Broward County, Florida

Folio No. 8235 19 0180

and

Lot 5, Block 1, 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 No. 8235 24 0060

and

A portion of Section 35, Township of 48 South, Range 42 East described as follows: begin at the Southeast corner of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southwest of Section 35, Township 48 South, Range 42 East, thence West 150 feet; thence North 50 feet; thence East 150 feet; thence South 50 feet to the point of beginning.

Folio No. 8235 00 0790

and

Parcel A. The Northerly 69.65 feet of old Folio No. 4842 35 00 1022 and Folio No. 4842 35 00 1023 described as follows:

A portion of Section 35, Township 48 South, Range 42 East. Commencing at the Southwest corner of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$. Thence Northerly 510.85 feet along the West line of said West $\frac{1}{2}$, West $\frac{1}{2}$, Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$ Southwest $\frac{1}{4}$ to the Point of Beginning; continue North 126.68 along said West line; thence Easterly 161.55 feet to a Point 5 feet West of and parallel with the East line of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$; thence Southerly 62.37 feet; thence Westerly 5 feet; thence Southerly along a line 10 feet West of and Parallel with the said East line 64.31 feet; thence Westerly 156.54 feet to the Point of Beginning.

Together with old Folio No. 4842 35 00 1023

A portion of Section 35, Township 48 South, Range 42 East, begin at the Northwest corner of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$; thence Westerly 5 feet; thence Southerly 62.37 feet; thence Westerly 5 feet; thence Southerly along a line of 10 feet West of and parallel with the East line of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of the Southeasterly $\frac{1}{4}$ of the Southwesterly $\frac{1}{4}$ of the Southwesterly $\frac{1}{4}$ 64.31 feet; thence Easterly 10 feet; thence Northerly 126.68 feet to the Point of Beginning.

Folio No. 8235 00 1022

and

The North 50 feet of the South 300 feet of the East 129.96 feet of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 35, Township 48 South, Range 42 East.

Folio No. 8235 04 0200

and

Lot 10, Less the East 35.50 feet of said Lot 10; all of Lots 11, 12, 13 and Lot 14, less the East 35.50 feet of said Lot 14, Woodruff Addition to Pompano Fla. According to the map or plat thereof as recorded in Plat Book 2, Page 55 Public Records of Palm Beach County, Florida, said lands now lying, being and situate in Broward County, Florida.

All of said Lands lying in the City of Pompano Beach, Florida, containing 34,486 square feet (0.79 acres), more or less.

Folio No. 8235 20 0050

and

The East 35.50 feet of Lot 10, WOODRUFF ADDITION TO POMPANO, Fla., according to the plat thereof as recorded in Plat Book 2, Page 55, Palm Beach County Records.

Said land situate within Broward County Florida, containing 4,952 sq. ft., more or less

The East 35.50 feet of Lot 14, WOODRUFF ADDITION TO POMPANO, Fla., according to the plat thereof as recorded in Plat Book 2, Page 55, Palm Beach County Records.

Said land situate within Broward County, Florida, containing 5,173 sq. ft., more or less.

Folio No. 8235 20 0051

and

The West ½ of Lot 23, and the West 100 feet of Lot 24, of the RESUBDIVISION OF LOT 15 OF THE SUBDIVISION OF SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, according to the Plat thereof as recorded in Plat Book "B", at Page 76 of Dade County, Florida, said land situate, lying and being in Broward County.

Folio No. 8235 08 0370

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of said first party, either in law or equity, to the only proper use, benefit and behoof of said second party forever.

IN WITNESS WHEREOF, the first party has signed and sealed these presents the day and year first above written.

WITNESSES:

CITY OF POMPANO BEACH

(Print or Type Name)

Gregory P. Harrison, City Manager

(Print or Type Name)

Rex Hardin, Mayor

Attest:

Asceleta Hammond, City Clerk

(SEAL)

Approved by:

Mark E. Berman, City Attorney

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, 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

MEB/jrm:jmz
1/2/19
l:realest/2019-298