

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:

Jan Hatt
Witness 1 Signature

Lauren Gratzer
Print Name

Maggie Barszewski
Witness 2 Signature

Maggie Barszewski
Print Name

John F. Rapp
JOHN RAPP

Candace 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:



Lauren M. Gratzner
NOTARY PUBLIC, STATE OF FLORIDA

Lauren M. Gratzner
(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

Right-of Way Visibility Agreement

H:\BarMag\Forms\R. of W. Visilbility Form.docx

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.

RES#2600



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.

BILL H. HYATT, JR. STATE OF
PROFESSIONAL LAND SURVEYOR FLORIDA
STATE OF FLORIDA LICENSE NUMBER: 4834



AllState Surveying

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Phone: (888) 569-0480 | Fax: (888) 569-4590 | www.AllStateSurveyors.com
1844 N Nob Hill Road, #429, Sunrise, Florida 33322

DATE: 04/03/2015

DRAWN BY: C.L.

PAGE: 1 OF 1

FILE NUMBER: RAP-JO-04-14

SKETCH OF PROPOSED CANAL TO BE ABANDONED