

This instrument prepared by:
Broward County Attorney's Office
Governmental Center, Suite 423
115 South Andrews Avenue
Ft. Lauderdale, FL 33301
Phone: (954) 357-7600

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

GRANTOR: CITY OF POMPANO BEACH
100 W. Atlantic Boulevard
Pompano Beach, Florida 33301

GRANTEE: Broward County, a political subdivision of the State of Florida
Governmental Center, Room 423
115 South Andrews Avenue
Fort Lauderdale, FL 33301

DATE: _____, 20____.

In consideration of the sum of One Dollar (\$1.00) and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, GRANTOR grants to GRANTEE, its agents, successors, and assigns, a perpetual and assignable easement and right-of-way in, on, over, and across the land described in Schedule "A" (the "Easement Area") for use by GRANTEE, its representatives, agents, contractors, and assigns, to construct, preserve, patrol, operate, maintain, repair, rehabilitate, and replace a public beach, a dune system, and other erosion control and storm damage reduction measures; and

Together with appurtenances thereto, including the right to deposit sand, to accomplish any alterations of contours on said land, to construct berms and dunes, to nourish and renourish periodically, to move, store, and remove equipment and supplies, to erect and remove temporary structures, and to perform any other work necessary and incident to the construction, periodic renourishment, and maintenance of the Broward County Shore Protection Project (the "Project"); and

Together with the right of public use and access, to plant vegetation on said dunes and berms, to erect, maintain, and remove silt screens and sand fences, to facilitate preservation of dunes vegetation through the limitation of access to dune areas, to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement;

Reserving, however, to the GRANTOR, its successors and assigns, the right to construct dune overwalk structures in accordance with any applicable Federal, State or local laws or regulations, provided that such structures shall not violate the integrity of the dune in shape, dimension, or function, and that prior approval of the plans and specifications for such structures is obtained

from the GRANTEE, and provided further that such structures are subordinate to the construction, operation, maintenance, repair, rehabilitation, and replacement of the project; and Further reserving to the GRANTOR, its successors and assigns, all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired, subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

This easement shall commence on the date the United States Army Corps of Engineers ("Corps") or the GRANTEE awards a contract for construction of the Project. This easement may not be otherwise conveyed, transferred, altered, encumbered, or impaired without the written consent of the Department of the Army, acting by and through the Assistant Secretary of the Army for Civil Works or a designated representative.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year hereinabove written.

CITY OF POMPANO BEACH

By: _____
REX HARDIN, MAYOR

By: _____
GREGORY P. HARRISON, CITY MANAGER

Attest:

ASCELETA HAMMOND, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

MARK E. BERMAN, CITY ATTORNEY

SCHEDULE A

That portion of the property described as the "Legal Description" that is landward of the mean high water line and seaward of any existing bulkhead, seawall, revetment, privacy wall, fence, or similar structures that exist on the property.