



Broward County

Legislation Text

File #: 21-1795, Version: 1

Broward County Commission Regular Meeting

Director's Name: Bertha Henry

Department: County Administration

Division: Real Property

Information

Requested Action

A. **MOTION TO APPROVE** Reciprocal Easement Agreement between Broward County and CJB Real Estate, L.P., for the Imperial Point Library, located at 5985 N. Federal Highway, in Fort Lauderdale and the adjacent property located at 5975 N. Federal Highway, in Fort Lauderdale, relating to cross access and parking easements and maintenance arrangement for exterior areas of Imperial Square Shopping Center and Imperial Point Library; and authorize the Mayor and Clerk to execute same. **(Commission District 4)**

ACTION: (T-10:22 AM) Approved.

VOTE: 9-0. Commissioner Holness voted in the affirmative telephonically.

B. **MOTION TO APPROVE** Termination of the existing Declaration of Covenants and Restrictions and Reciprocal Easement and Maintenance Agreement ("Declaration") relating to cross access and parking easements and maintenance arrangements; and authorize the Mayor and Clerk to execute same. **(Commission District 4)**

ACTION: (T-10:22 AM) Approved.

VOTE: 9-0. Commissioner Holness voted in the affirmative telephonically.

Why Action is Necessary

Motion A. Board of County Commissioners' approval is required to approve an easement agreement.

Motion B. Board of County Commissioners' approval is required to terminate the Declaration.

What Action Accomplishes

Motion A. Provides the County and CJB Real Estate, L.P. with a reciprocal easement for parking and access and restructures that maintenance payment obligations under the existing Declaration.

Motion B. Terminates the existing Declaration for parking and access and restructures that maintenance payment obligations.

Is this Action Goal Related

No

Previous Action Taken

None.

Summary Explanation/Background

In 1986, Charles J. Bosco, the predecessor of CJB Real Estate, L.P., deeded to Broward County a portion of property in the Imperial Point section of Fort Lauderdale identified as folio number 494212220020 for the construction of the Imperial Point Library and folio number 494212220030 for the construction of a parking lot (collectively, "Library Property"). The Library Property is adjacent to property that was owned by Bosco and identified as folio numbers 494212220010 and 494212220013 ("CJB Property"). The CJB Property and the Library Property were developed as a single shopping center and the County and Bosco entered into a Declaration of Covenant and Restrictions and Reciprocal Easement and Maintenance Agreement ("Declaration") for a 50-year term. Under the Declaration, the owner of the CJB Property was responsible for the maintenance of the parking and pedestrian areas of both the CJB Property and the Library Property ("Common Area") and County paid for its share of the maintenance.

The current owners of the CJB Property, CJB Real Estate, L.P., have requested that the terms of the Declaration be modified to make the reciprocal easements perpetual, which will allow them to improve the CJB Property, and have agreed to be responsible for all costs related to Common Area maintenance.

Motion A approves the Reciprocal Easement Agreement, which, *inter alia*, provides for a perpetual reciprocal easement and that the owners of the CJB Property will be responsible for all Common Area maintenance costs. Motion B terminates the Declaration, which is superseded by the Reciprocal Easement Agreement.

Source of Additional Information

Lary S. Mahoney, Director of Real Estate Development, County Administration 954-357-7357
Trevor M. A. Fisher, P.E., MBA, Acting Director, Public Works Department, (954) 357-6410

Fiscal Impact

Fiscal Impact/Cost Summary

Broward County will no longer be responsible for the Common Area maintenance payment.