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RESOLUTION NO. 2020-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ACCEPTING A ROAD EASEMENT ON, OVER, ACROSS, AND THROUGH A PORTION OF REAL PROPERTY OWNED BY ELEVATE ONE RIVER, LLC, AND LOCATED IN THE CITY OF FORT LAUDERDALE, FLORIDA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Elevate One River, LLC, a Florida Limited Liability Company, is the owner of certain real property located in the City of Fort Lauderdale, Florida ("Property"), which Property is more particularly described in the legal description and sketch made subject to the Road Easement, which is attached hereto and made a part hereof as Exhibit 1 ("Road Easement");

WHEREAS, Elevate One River, LLC, a Florida Limited Liability Company is willing to grant the Road Easement to Broward County, Florida ("County"), in accordance with the terms of the attached Road Easement; and

WHEREAS, the Board of County Commissioners of Broward County, Florida ("Board"), has determined that acceptance of the Road Easement serves a public purpose and is in the best interest of the County, NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. The recitals set forth in the preamble to this Resolution are true, accurate, and incorporated by reference herein as though set forth in full hereunder.

1 Section 2. The Board hereby accepts the Road Easement attached as  
2 Exhibit 1.

3 Section 3. The Road Easement shall be properly recorded in the Public  
4 Records of Broward County, Florida.

5 Section 4. Severability.

6 If any portion of this Resolution is determined by any court to be invalid, the invalid  
7 portion will be stricken, and such striking will not affect the validity of the remainder of this  
8 Resolution. If any court determines that this Resolution, in whole or in part, cannot be  
9 legally applied to any individual, group, entity, property, or circumstance, such  
10 determination will not affect the applicability of this Resolution to any other individual,  
11 group, entity, property, or circumstance.

12 Section 5. Effective Date.

13 This Resolution is effective upon adoption.

14  
15 ADOPTED this                day of                                , 2020.

16  
17 Approved as to form and legal sufficiency:  
18 Andrew J. Meyers, County Attorney

19 By: /s/ Claudia Capdesuner 02/10/2020  
20 Claudia Capdesuner  
21 Assistant County Attorney

22 By: /s/ Annika E. Ashton 02/10/2020  
23 Annika E. Ashton  
24 Deputy County Attorney

Return to:  
Frank J. Guiliano, PSM  
Highway Construction and  
Engineering Division  
1 N. University Drive, Suite 300  
Plantation, FL 33324-2038

## Exhibit 1

This Instrument prepared by:  
Andrew J. Schein, Esq.  
1401 East Broward Boulevard, Suite 303  
Fort Lauderdale, FL 33301

### ROAD EASEMENT (Corporate)

**THIS INDENTURE**, made this 3 day of April, A.D., 2018, by Elevate One River LLC, a Florida limited liability company and having its principal place of business at 305 South Andrews Avenue, Fort Lauderdale, FL 33301, first party, to BROWARD COUNTY, a political subdivision of the State of FLORIDA, whose Post Office address is Broward County Governmental Center, 115 South Andrews Avenue, Fort Lauderdale, Florida 33301, 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

**WHEREAS**, the first party is the owner of a property situated, lying and being in Broward County, Florida, and described as follows:

**See Exhibit "A" with accompanying sketch of description attached hereto and made a part hereof.**

and,

**WHEREAS**, the second party desires an easement for public roadway and/or other appropriate purposes incidental thereto, on, over and across said property,

and,

**WHEREAS**, the first party is willing to grant such an easement,

**NOW THEREFORE**, for and in consideration of the mutual covenants each to the other running and one dollar (\$1.00) and other good and valuable considerations, the first party does hereby grant unto the second party, its successors and assigns, full and free right and authority to construct, maintain, repair, install and rebuild facilities for the above stated purposes and does hereby grant a perpetual easement on, over and across the above-described property for said purposes.

**ACKNOWLEDGEMENT**

**IN WITNESS WHEREOF**, the first party has caused these presents to be duly executed in its name and its corporate seal to be hereto affixed, attested by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in the presence of:

Elevate One River LLC, a Florida limited liability company

[Signature]  
Witness (Signature)

By: [Signature]  
Thomas A. Vogel, Authorized Member

Brooke Lochrie  
Print Name

[Signature]  
Witness (Signature)

Andrew Schein  
Print Name

(CORPORATE SEAL)

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 3 day of April, 2018, by Thomas A. Vogel, as Authorized Member of Elevate One River LLC, a Florida limited liability company, on behalf of the limited liability company. He is personally known to me or has produced as identification and did not take an oath.

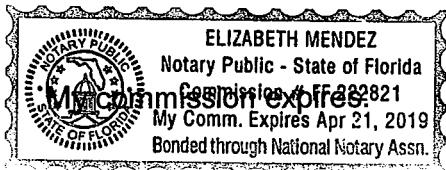
(SEAL)

[Signature]  
(Signature of person taking acknowledgment)

Elizabeth Mendez  
(Name of officer taking acknowledgment)  
typed, printed or stamped

Notary  
(Title or rank)

FF222821  
(Serial number, if any)



**EXHIBIT "A"**  
(See attached SKETCH and LEGAL DESCRIPTION)



**McLAUGHLIN ENGINEERING COMPANY**  
**LB#285**

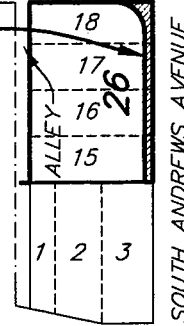
ENGINEERING \* SURVEYING \* PLATTING \* LAND PLANNING  
 1700 N.W. 64th STREET #400, FORT LAUDERDALE, FLORIDA 33309  
 PHONE (954) 763-7611 \* FAX (954) 763-7615

SCALE 1" = 50'

**SKETCH AND DESCRIPTION**  
**W. LAS OLAS BLVD. &**  
**S. ANDREW AVENUE**

**EXHIBIT "A"**

THIS SKETCH — W. LAS OLAS BLVD.



**SITE LAYOUT**  
**NOT TO SCALE**

**LEGAL DESCRIPTION:**

The West 9.00 feet of the East 24.00 feet of Lots 15, 16, 17 and Lot 18, Less the North 5.00 feet thereof; AND the external portion of a 25.00 foot radius, that is tangent on the East to a line 24.00 feet West of and parallel with the East line of said Lot 18 and tangent on the North to a line 5.00 feet South of and parallel with the North line of said Lot 18, All in Block 26, TOWN OF FORT LAUDERDALE, according to the plat thereof, as recorded in Plat Book "B", Page 40, of the public records of Dade County, Florida.

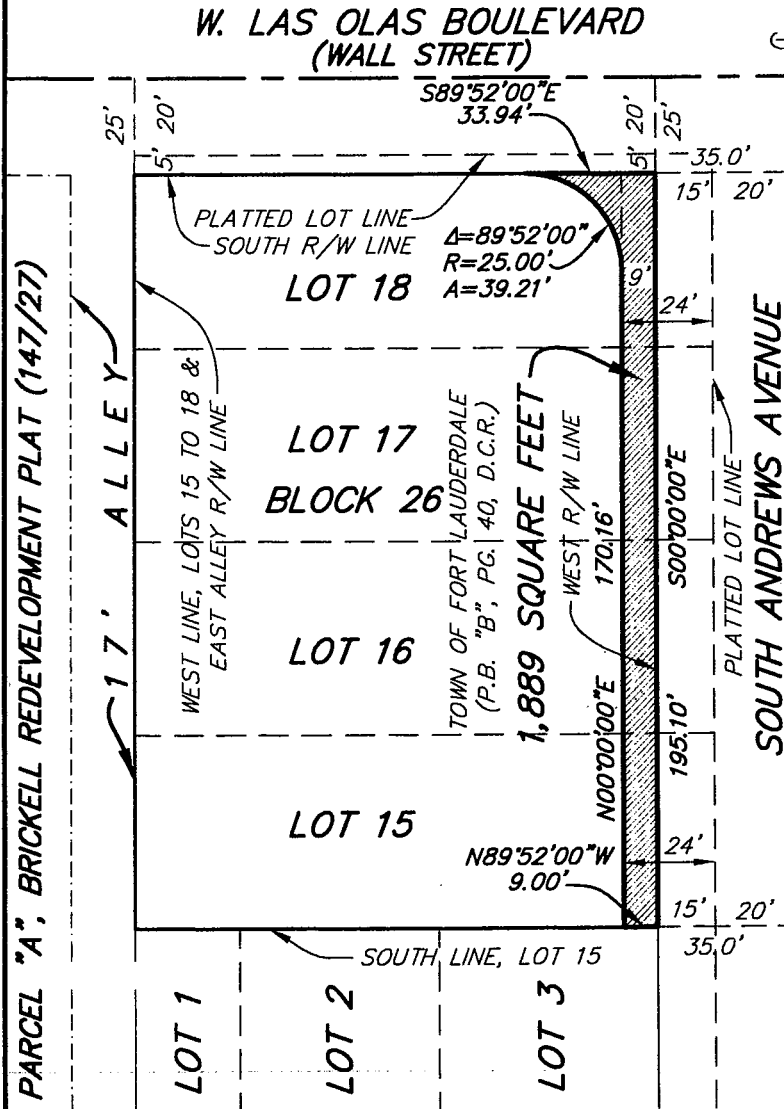
Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 1,889 square feet or 0.0434 acres more or less.

**CERTIFICATION**

Certified Correct. Dated at Fort Lauderdale, Florida this 3rd day of March, 2018.  
 Revised this 16th day of July, 2019.

McLAUGHLIN ENGINEERING COMPANY

*J. M. McLaughlin Jr.*  
 JAMES M. McLAUGHLIN JR.  
 Registered Land Surveyor No. 4497  
 State of Florida.



PARCEL "A", BRICKELL REDEVELOPMENT PLAT (147/27)

**NOTES:**

- 1) This sketch reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Legal description prepared by McLaughlin Engineering Co.
- 3) This drawing is not valid unless sealed with an embossed surveyors seal.
- 4) THIS IS NOT A BOUNDARY SURVEY.
- 5) Bearings shown assume the West right-of-way line of South Andrews Avenue, as South 00°00'00" East.

FIELD BOOK NO. \_\_\_\_\_

DRAWN BY: JMMjr

JOB ORDER NO. V-3104

CHECKED BY: \_\_\_\_\_

REF. DWG.: 00-3-114

C: \JMMjr\2018\V3104(RW EASE)