

RESOLUTION NO. R 2022-221

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE TRANSFER OF CERTAIN SEGMENTS OF RIGHT-OF-WAY FROM BROWARD COUNTY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in a letter dated October 28, 2022, the Broward County Public Works Department, Real Property Division, identified several segments of Broward County right-of-way as being suitable for transfer to the Town of Davie;

WHEREAS, the Town Engineer agrees that the rights-of-way identified in Exhibit "A" function as local streets and are therefore suitable to be transferred to the Town of Davie; and

WHEREAS, the Town Council deems it appropriate to accept the rights-of-way identified in Exhibit "A" as Town rights-of-way and to assume appropriate maintenance responsibility.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE THAT:

Section 1. Legislative Findings/Recitals. The above recitals are hereby adopted by the Town of Davie as its legislative findings relative to the subjects and matters set forth in this Resolution.

Section 2. The Town Council of the Town of Davie hereby agrees to accept the rights-of-way identified in Exhibit "A" as Town rights-of-way.

Section 3. Conflict. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Section 4. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, it is the intent of the Town Council that such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application and, to this end, the provisions of this Resolution are declared severable.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS 16th DAY OF NOVEMBER, 2022.


MAYOR/COUNCILMEMBER

ATTEST:


TOWN CLERK

APPROVED THIS 16th DAY OF NOVEMBER, 2022.

Approved as to Form and Legality:


TOWN ATTORNEY

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Parcel 1:

Folio Number

504137012480

Legal Description

The East 15.0 feet of Tract 4, Tier 7 of Newman's Survey of Section 24, Township 50 South, Range 41 East, as shown on the plat thereof, as recorded in Plat Book 2, Page 26 of the Public Records of Dade County, Florida.

This deed is given subject to the following condition, which shall be construed as a covenant running with the land and similar to a "fee simple determinable", to-wit: That the highway to be constructed on the above lands shall not be a limited access highway and shall at all times afford to the grantors, its successors and assigns, full and unrestricted access and use thereof.

and

The East 15.0 feet of Tract 3, Tier 7 of Newman's Survey of Section 24, Township 50 South, Range 41 East, as shown on the plat thereof recorded in Plat Book 2, Page 26 of the Public Records of Dade County, Florida, lying South of the Florida State Turnpike Authority right of way; AND

All that external area lying Northeasterly of an arc formed by a 25.0 feet radius, tangent to a line 15.0 feet West of and parallel to the East boundary of said Tract 3, Tier 7 and tangent to the South right of way line of the Florida State Turnpike Authority right of way. This deed is given subject to the following condition which shall be construed as a covenant running with the land and similar to a "fee simple determinable", to-wit: That the highway to be constructed on the above lands shall not be a limited access highway and shall at all times afford to the grantors, their heirs and assigns, full and unrestricted access and use thereof.

Parcel 2:

Folio Number

514103010941

Legal Description

A PORTION OF "A.J. BENDLE'S SUBDIVISION OF SECTIONS 3 AND 10, TOWNSHIP 51 SOUTH, RANGE 41 EAST" (PLAT BOOK 1, PAGE 27, DADE COUNTY RECORDS)

IN THE NORTHWEST ONE-QUARTER OF SECTION 03, TOWNSHIP 51 SOUTH, RANGE 41 EAST, DESCRIBED IN A WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 4659, PAGE 695, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 03; THENCE S 01°26'34" E, ALONG THE WEST LINE OF SAID SECTION 03, 1,142.59 FEET TO THE POINT OF BEGINNING; THENCE N 88°33'26" E, 70.00 FEET TO THE POINT OF CURVATURE OF A CURVE ON THE WEST LINE OF LOT 23, BLOCK 1, OF "NOVA HOMES TWO", AS RECORDED IN PLAT BOOK 97, PAGE 22, BROWARD COUNTY RECORDS; THENCE S 01°26'34" E, ALONG THE WEST LINE OF SAID PLAT, 100.01 FEET TO THE POINT OF CURVATURE OF A CURVE ON THE WEST LINE OF LOT 24, BLOCK 2, OF SAID PLAT; THENCE S 88°33'26" W, 70.00 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 03; THENCE N 01°26'34" W, ALONG SAID WEST LINE OF SECTION 03, 100.01 FEET TO THE POINT OF BEGINNING.

SAID LAND SITUATE, LYING, AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA AND CONTAINS 7,001 SQUARE FEET (0.1607 ACRES), MORE OR LESS.

Parcel 3:

Folio Number

504137012430

Legal Description

The Southerly 20.0 feet of that portion of Tract 6, Tier 7, Section 24, Township 50 South, Range 41 East, Broward County, Florida, according to the Plat of NEWMAN'S SURVEY, recorded in Plat Book 2, Page 26, of the public records of Dade County, Florida, more particularly described as follows:

Commence at a point 200.0 feet South of the North line of said Tract 6, and on the West line of said Tract 6, said point being the POINT OF BEGINNING; THENCE Southerly along the West line of the said Tract 6, a distance of 453.65 feet to the South line of the said tract 6; THENCE Easterly with an included angle of 73°54'15" along the South line of said Tract 6, a distance of 215.45 feet; THENCE Northerly a distance of 394.0 feet to a point 200.0 feet South of the North line of said Tract 6; THENCE Westerly a distance of 207.0 feet to the POINT OF BEGINNING; said parcel containing 2 acres more or less; said land situate, lying and being in Broward County, Florida.

LESS any previously deeded or dedicated rights of way.

Parcel 4:

Folio Number

504015010700

Legal Description

All that portion of the South 25.0 feet of Tracts 6, 54 and 61, together with the North 25.0 feet of Tracts 7, 55 and 60, Section 15, Township 50 South, Range 40 East, FLORIDA FRUIT LAND COMPANY'S PLAT NO. 1, as recorded in Plat Book 2, Page 17, Public Records of Dade County, Florida.

Parcel 5:

Folio Number

504119030740

Legal Description

A portion of Block 2, of "MARTHA BRIGHT FARMS", as recorded in Plat Book 15, page 16, of the public records of Broward County, Florida, described as follows:

From the northwest corner of said Block 2 run N 88°48'35" E 15 feet along the north line of Block 2; thence, S 0°10'00" W and parallel with the west line of Block 2 a distance of 600.09 feet to a point of curvature and a point of beginning; thence, on a curve to the left having a radius of 25 feet and a central angle of 91°21'25", an arc distance of 39.86 feet to a point of tangency; thence, N 88°48'35" E 462.63 feet to a point of curvature; thence, on a curve to the left having a radius of 125 feet and a central angle of 68°, an arc distance of 148.35 feet to a point of tangency; thence, N 20°48'35" E 84.00 feet to a point of curvature; thence, on a curve to the right having a radius of 175 feet and a central angle of 68°, an arc distance of 207.69 feet to a point of tangency; thence, N 88°48'35" E 473.40 feet to a point of curvature; thence, on a curve to the left having a radius of 125 feet and a central angle of 31° an arc distance of 67.63 feet to a point of tangency; thence, N 57°48'35" E 159.50 feet to a point of curvature; thence, on a curve to the right having a radius of 175 feet and a central angle of 31° an arc distance of 94.68 feet to a point located 1562.67 feet east of the northwest corner of Block 2, as measured along the north line of Block 2, and 235 feet south of the north line of Block 2; thence, S 1°11'25" E 50 feet along a line radial to the last described curve; thence, southwesterly along a curve to the left and concentric with the last described curve and having a radius of 125 feet and a central angle of 31°, an arc distance of 67.63 feet to a point of tangency; thence, S 57°48'35" W 159.50 feet to a point of curvature; thence, on a curve to the right having a radius of 175 feet and a central angle of 31° an arc distance of 94.68 feet to a point of tangency; thence, S 88°48'35" W 473.40 feet to a point of curvature; thence, on a curve to the left having a radius of 125 feet and a central angle of 68° an arc distance of 148.35 feet to a point of tangency; thence, S 20°48'35" W 84.00 feet to a point of curvature;

thence, on a curve to the left having a radius of 344.18 feet and a central angle of 18°45'14" an arc distance of 112.66 feet; thence, S 88°48'35" W 602.75 feet to a point of curvature; thence, on a curve to the left having a radius of 25 feet and a central angle of 88°38'25" an arc distance of 38.68 feet; thence, N 0°10'00" E 100.02 feet to the point of beginning.

and

A portion of Block 2, "MARTHA BRIGHT FARMS", as recorded in Plat Book 15, Page 16, Public Records of Broward County, Florida, lying in Section 19, Township 50 South, Range 41 East, described as follows:

Beginning at a Point located 1562.67 feet East of the Northwest corner of said Block 2, as measured along the North line of Block 2, and 235.0 feet South of the North line of Block 2; thence North 88°48'35" East parallel with and 235.0 feet South of said North line a distance of 1249.06 feet to a Point of Curvature; thence Northeasterly along a curve to the left having a radius of 25.0 feet and a central angle of 90°27'40", an arc distance of 39.47 feet to a Point of Cusp on the East line of said Block 2; thence South 1°39'05" East along said East line a distance of 100.0 feet to a Point of Cusp; thence Northwesterly along a curve to the left having a radius of 25.0 feet and a central angle of 89°32'20", an arc distance of 39.07 feet to a Point of Tangency; thence South 88°48' 35" West parallel with and 285.0 feet South of the North line of Block 2, a distance of 189.51 feet to a Point of Curvature; thence Southwesterly along a curve to the left having a radius of 25.0 feet and a central angle of 90°, an arc distance of 39.27 feet to a Point of Tangency; thence South 1°11'25" East, 925.0 feet to a Point of curvature; thence Southwesterly along a curve to the right having a radius of 75.0 feet and a central angle of 90°, an arc distance of 117.81 feet to a Point of Tangency; thence South 88°48'35" West, 1423.22 feet to a Point of Curvature; thence Northwesterly along a curve to the right having a radius of 175.0 feet and a central angle of 45°, an arc distance of 137.44 feet to a Point of Tangency; thence North 46°11'25" West, 210.60 feet to a Point of Curvature; thence Westerly along a curve to the left having a radius of 25.0 feet and a central angle of 90°, an arc distance of 39.27 feet to a Point of Tangency; thence South 43°48'35" West, 216.44 feet to a Point on a 40-foot radius curve from which a radial line of said curve bears South 82°29'31" West; thence Southerly, Westerly, Northerly and Easterly along said 40-foot radius curve to the right having a central angle of 282°38'08", an arc distance of 197.31 feet; thence North 43°48'35" East, 216.44 feet to a Point of Curvature; thence Northerly along a curve to the left having a radius of 25.0 feet and a central angle of 90°, an arc distance of 39.27 feet to a Point of Tangency; thence North 46°11'25" West, 92.48 feet to a Point of Curvature; thence Northwesterly along a curve to the right having a radius of 394.18 feet and a central angle of 33°16'28", an arc distance of 228.92 feet to a Point of Reverse Curvature; thence Northwesterly along a curve to the left having a radius of 125.0 feet and a central angle of 78°16'28", an arc distance of 170.77 feet to a Point of Cusp; thence North 88°48'35" East, 164.72 feet to a Point on a 344.18 foot radius curve from which radial line of said curve bears South 87°56' 39" East; thence Southeasterly along said 344.18 foot radius curve to the left having a central angle of 48°14'46", an arc distance of 289.82 feet to a Point of Tangency; thence South 46°11'25" East, 403.08 feet

to a Point of Curvature; thence Southeasterly along a curve to the left having a radius of 125.0 feet and a central angle of 45°, an arc distance of 98.17 feet to a Point of Tangency; thence North 88°48'35" East, 418.22 feet to a Point of Curvature; thence Northeasterly along a curve to the left having a radius of 25.0 feet and a central angle of 90°, an arc distance of 39.27 feet to a Point of Tangency; thence North 1°11'25" West, 268.0 feet to a Point of Curvature; thence Northeasterly along a curve to the right having a radius of 175.0 feet and a central angle of 60°, an arc distance of 183.26 feet to a Point of Tangency; thence North 58°48'35" East, 84.01 feet to a Point of Curvature; thence Northeasterly along a curve to the right having a radius of 175.0 feet and a central angle of 30°, an arc distance of 91.63 feet to a Point of Tangency; thence North 88°48'35" East, 732.25 feet to a Point of Curvature; thence Northeasterly along a curve to the left having a radius of 25.0 feet and a central angle of 90°, an arc distance of 39.27 feet to a Point of Cusp; thence South 1°11'25" East, 100.0 feet to a Point of Cusp; thence Northwesterly along a curve to the left having a radius of 25.0 feet and a central angle of 90°, an arc distance of 39.27 feet to a Point of Tangency; thence South 88°48'35" West, 732.25 feet to a Point of Curvature; thence Southwesterly along a curve to the left having a radius of 125.0 feet and a central angle of 30°, an arc distance of 65.45 feet to a Point of Tangency; thence South 58°48'35" West, 84.01 feet to a Point of Curvature; thence Southwesterly along a curve to the left having a radius of 125.0 feet and a central angle of 60°, an arc distance of 130.90 feet to a Point of Tangency; thence South 1°11'25" East, 268.0 feet to a Point of Curvature; thence Southeasterly along a curve to the left having a radius of 25.0 feet and a central angle of 90°, an arc distance of 39.27 feet to a Point of Tangency; thence North 88°48'35" East, 905.0 feet to a Point of Curvature; thence Northeasterly along a curve to the left having a radius of 25.0 feet and a central angle of 90°, an arc distance of 39.27 feet to a Point of Tangency; thence North 1°11'25" West, 925.0 feet to a Point of Curvature; thence Northwesterly along a curve to the left having a radius of 25.0 feet and a central angle of 90°, an arc distance of 39.27 feet to a Point of Tangency; thence South 88°48'35" West, 960.37 feet; thence North 1°11'25" West, 50.0 feet to the Point of Beginning.

Parcel 6:

Folio Number

504137010521

Legal Description

The East 15 feet of Tract 5, Tier 7, according to Newmans Survey Plat, as recorded in Plat Book 2, Page 26, of the public records of Dade County, Florida.

Parcel 7:

Folio Number

504127010890

Legal Description

That portion of Tract 27, Section 27, Township 50 South, Range 41 East, according to Everglade Land Sales Company Subdivision Plat as shown on the plat thereof recorded in Plat Book 2, Page 34 of the public records of Dade County, Florida, lying within 60.0 feet of the West boundary of said Section 27.

and

That portion of Tract 26, less the North 41.25 feet, Section 27, Township 50 South, Range 41 East, according to Everglade Land Sales Company Subdivision Plat as shown on the plat thereof recorded in Plat Book 2, Page 34 of the public records of Dade County, Florida, lying within 60.0 feet of the West boundary of said Section 27.

Said property to be utilized for road purposes and shall revert to the Grantors when subject property is not so used.

and

All that portion of the West 60.0 feet of Tract 28, Section 27, Township 50 South, Range 41 East, Everglades Land Sales Company, according to the Plat thereof recorded in Plat Book 2, Page 34, Public Records of Dade County, Florida.

Parcel 8:

Folio Number

504127011010

Legal Description

A Portion of Tract 33 in Section 27, Township 50 South, Range 41 East, according to the plat of "EVERGLADE LAND SALES CO. SUBDIVISION", as recorded in Plat Book 2, Page 34, of the Public Records of Dade County, Florida, described as follows:

The West 60 feet of the North half (N½) of Tract 33, Section 27, Township 50 South, Range 41 East, according to the plat of "EVERGLADE LAND SALES CO. SUBDIVISION", as recorded in Plat Book 2, Page 34, of the Public Records of Dade County, Florida; also described in Official Records Book 3018, Page 158, of the Public Records of Broward County, Florida.

AND

The West 60 feet of the South half (S½) of Tract 33, Section 27, Township 50 South, Range 41 East, according to the plat of "EVERGLADE LAND SALES CO. SUBDIVISION", as recorded in Plat Book 2, Page 34, of the Public Records of Dade County, Florida; also described in Official Records Book 3018, Page 156, of the Public Records of Broward County, Florida.

TOGETHER WITH:

All that external area lying Southwesterly of an arc formed by a 25.0 foot radius, tangent to the South boundary of said Tract 33 and to a line 60.0 feet East of and parallel to the West boundary of said Tract 33; also described in Official Records Book 5719, Page 490, of the Public Records of Broward County, Florida.

Said land situate and lying in the Town of Davie, Broward County, Florida, and containing 79,224 square feet (1.82 acres), more or less.

Parcel 9:

Folio Number

504128010420

Legal Description

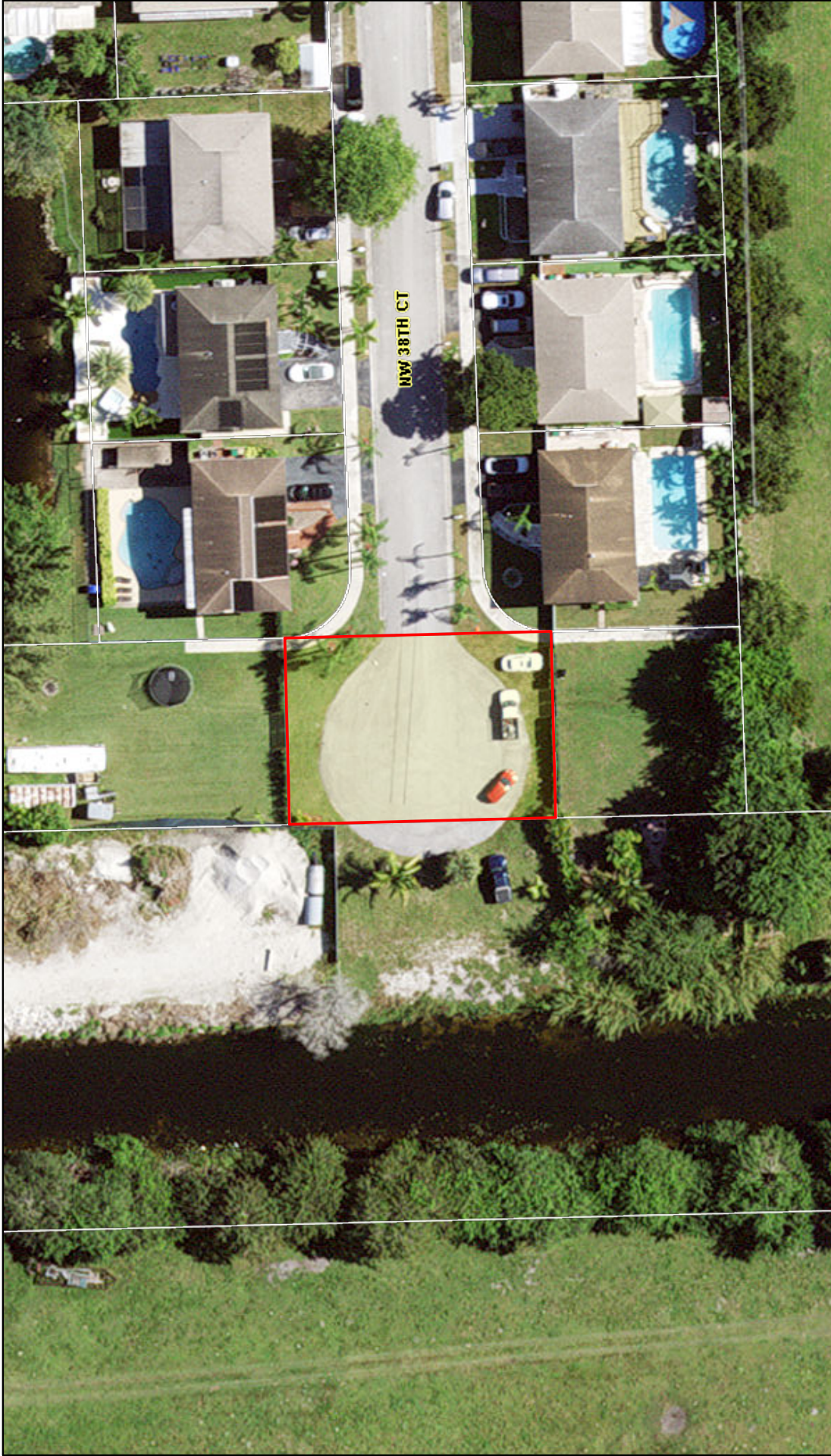
A part of Tracts 10, 11, and 23, of JOHN W. NEWMAN'S SUBDIVISION of Section 28, Township 50 South, Range 41 East, according to the Plat thereof, as recorded in Plat Book 2, Page 26 of the Public Records of Dade County, Florida, described as follows:

Beginning at the Northwest corner of said Tract 11; thence along the North boundary of said Tract 11, North 88° 32' 29" East, 40.00 feet; thence along a line parallel with the West boundary of said Tract 11, South 02° 08' 10" East, 1135.62 feet to a point of curve; thence southwesterly along a tangent curve concaved to the Northwest, having a radius of 440.00 feet and a central angle of 50° 49' 31", an arc distance of 390.31 feet; thence tangent to said curve South 48° 41' 21" West, 66.05 feet to a point of curve; thence along a tangent curve concaved to the East, having a radius of 25.00 feet and a central angle of 86° 57' 24", an arc distance of 37.94 feet to a point of cusp, a radial line thru said point bears South 51° 43' 57" West; thence northwesterly along a circular curve concaved to the southwest, having a radius of 1199.28 feet and a central angle of 06° 05' 12", an arc distance of 127.41 feet to a point of cusp, a radial line thru said point bears North 45° 38' 45" East; thence easterly along a circular curve concaved to the North, having a radius of 25.00 feet and a central angle of 86° 57' 24", an arc distance of 37.94 feet; thence tangent to said curve North 48° 41' 21" East, 66.05 feet to a point of curve; thence northerly along a tangent curve concaved to the Northwest, having a radius of 360.00 feet and central angle of 50° 49' 31", an arc distance of 319.34 feet; thence tangent to said curve along a line parallel with and 40.00 feet West of the East boundary of said Tract 10, North 02° 08' 10" West, 1136.56 feet to the North boundary of said Tract 10; thence North 88° 32' 29" East 40.00 feet to the Point of Beginning. Said lands lying in Broward County, Florida, containing 2.91 acres more or less.

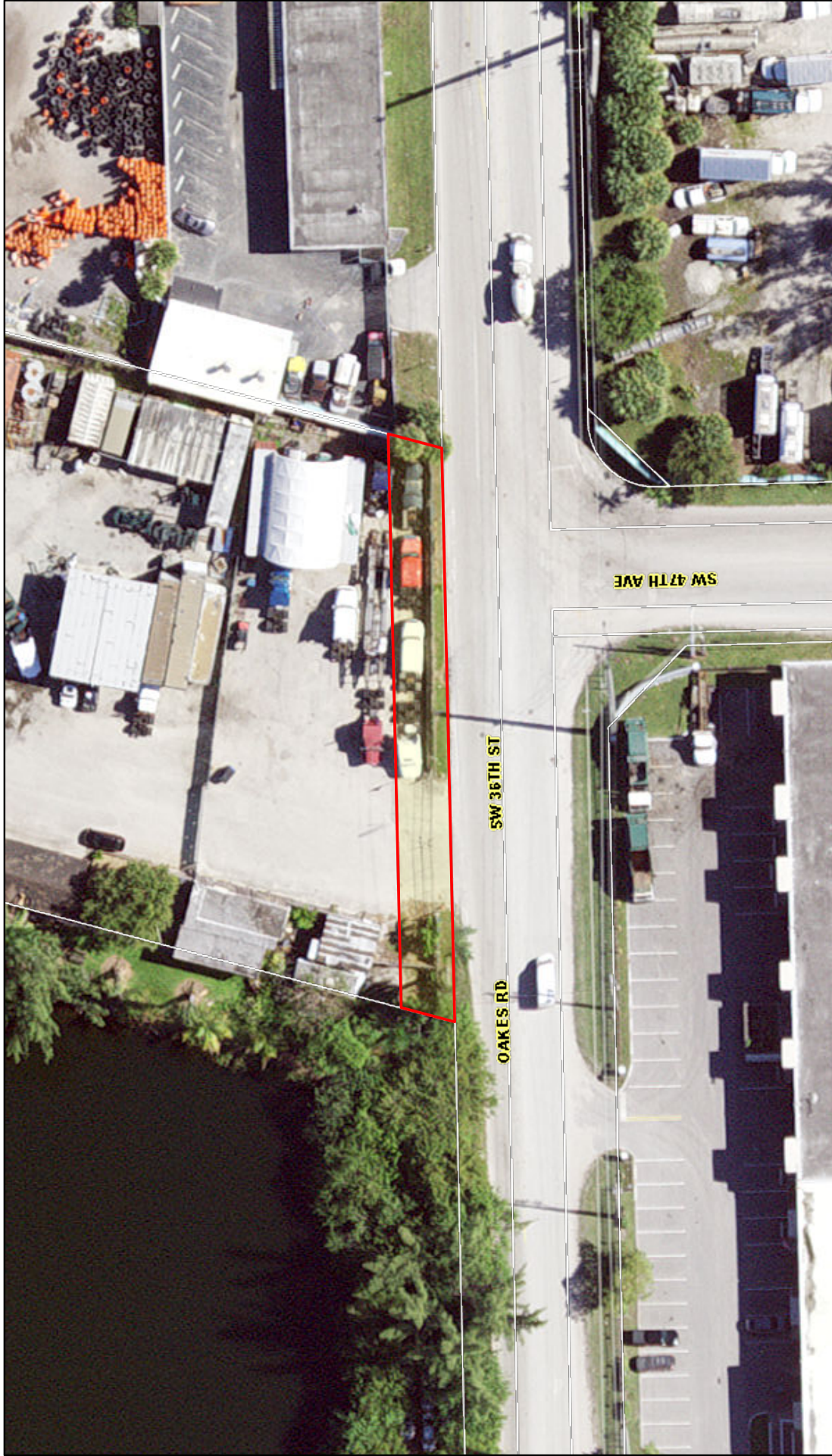
Parcel 1



October 7, 2022



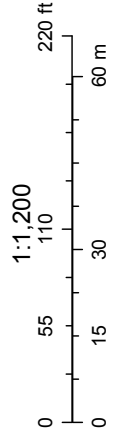
October 7, 2022



October 7, 2022

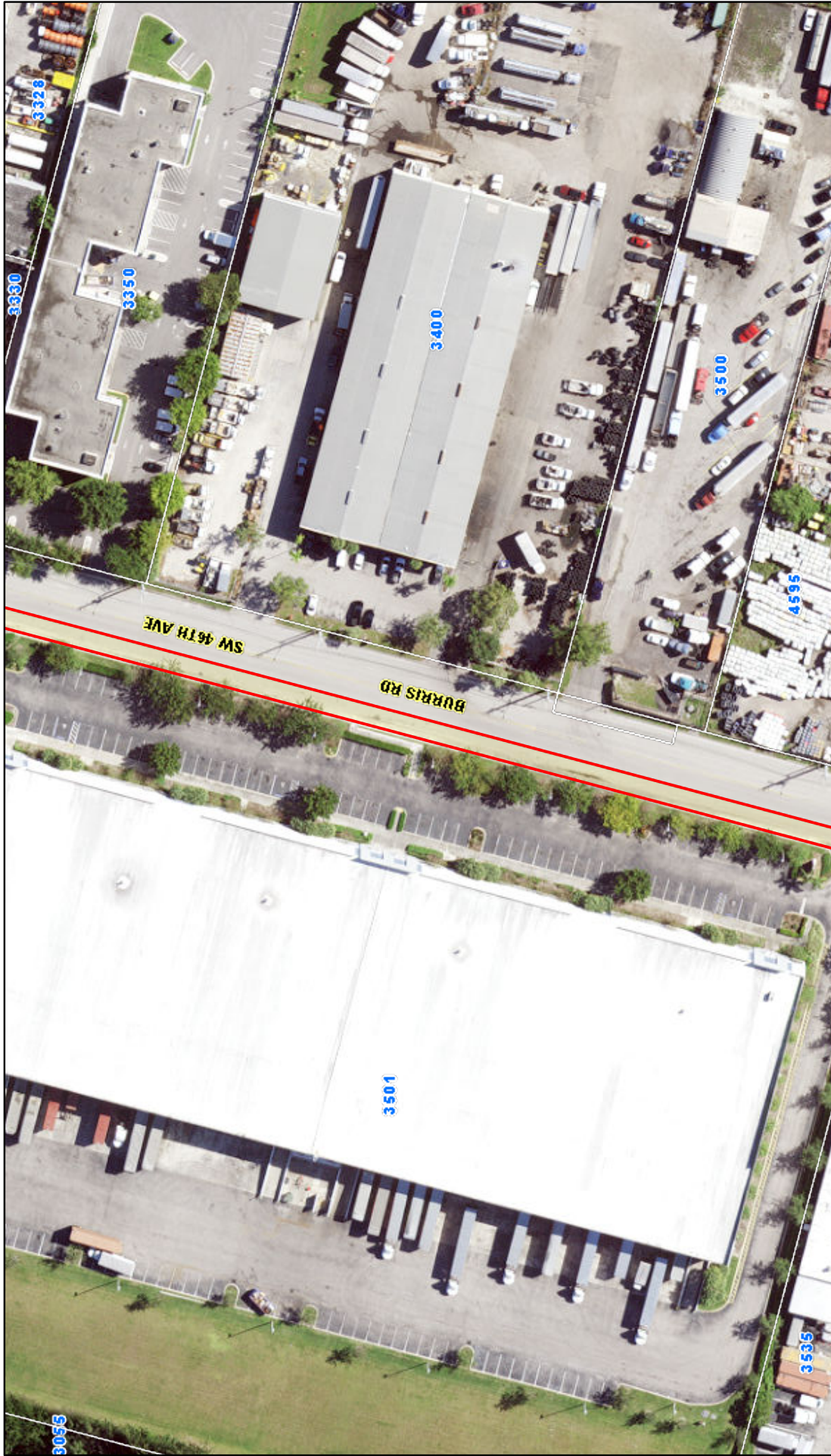


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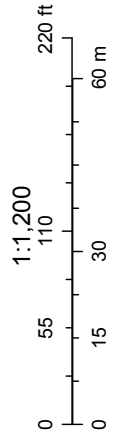


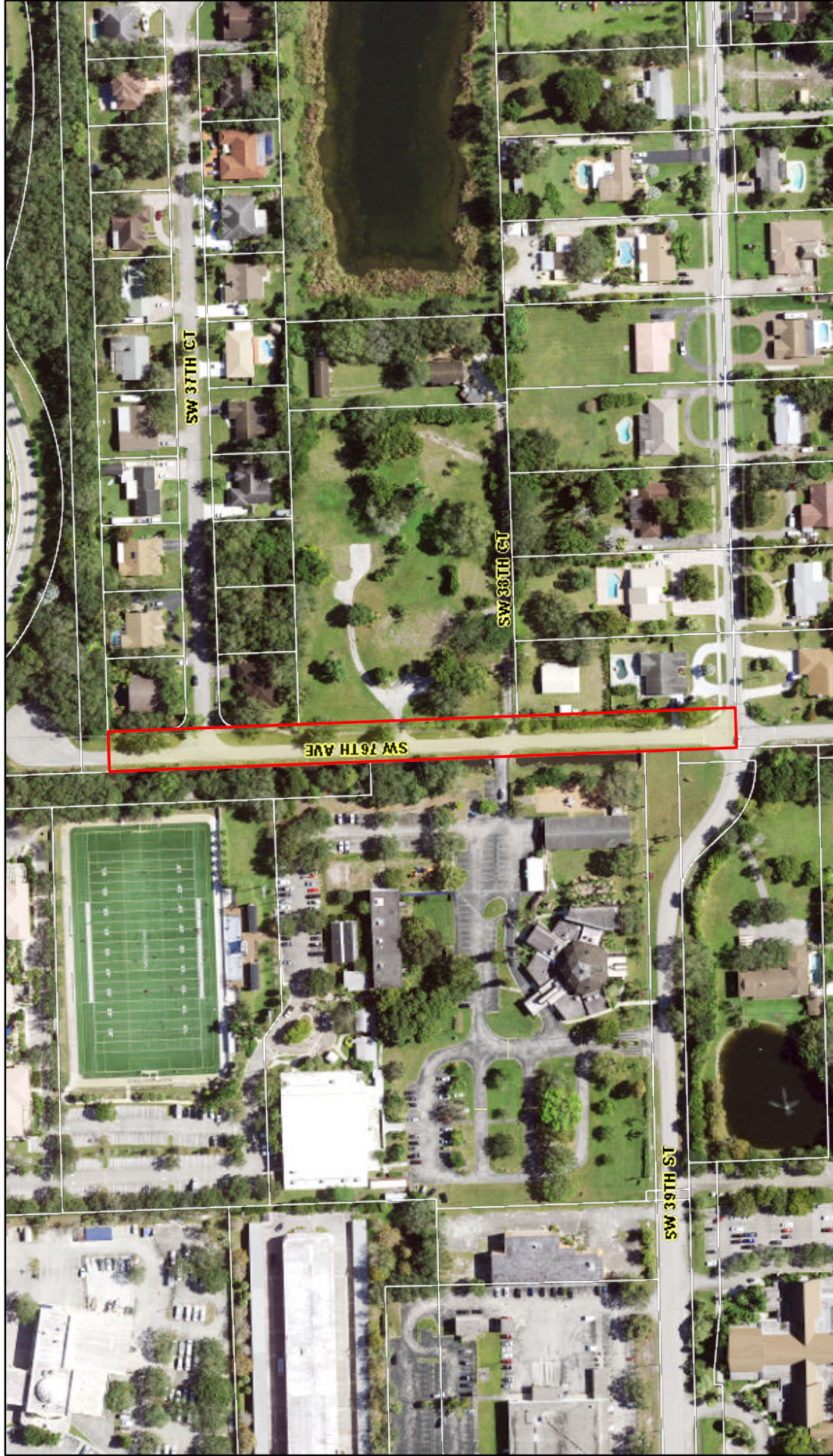


October 7, 2022



October 7, 2022

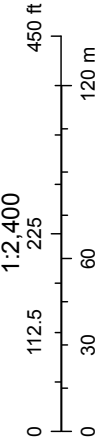




October 7, 2022



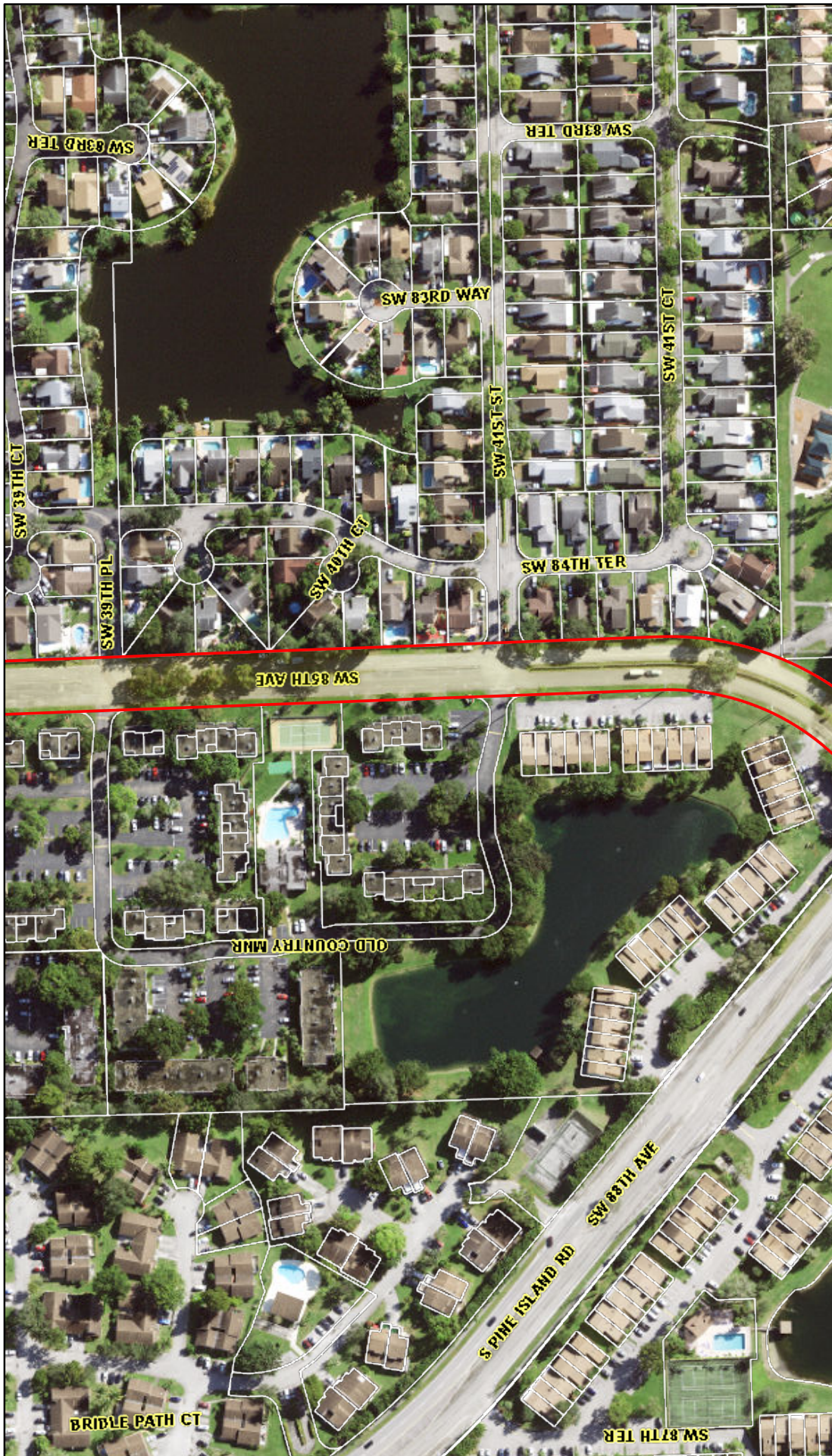
October 7, 2022



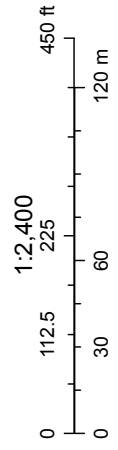
**Please see map disclaimer

Property Id: 504128010420

Parcel 9



October 7, 2022



**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

Item Number: 6.

To: Mayor and Councilmembers

From: David Quigley, AICP, Planning and Zoning Manager (954-797-1075)

Prepared By: David Quigley, AICP, Planning and Zoning Manager (954-797-1075) - Planning Zoning

Subject: Resolution

Affected District: Town Wide

Item Request: Schedule for Council Meeting

Title of Agenda Item: **RIGHT-OF-WAY TRANSFER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE TRANSFER OF CERTAIN SEGMENTS OF RIGHT-OF-WAY FROM BROWARD COUNTY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Executive Summary: The proposed resolution would indicate the Town's willingness to accept a transfer of 9 parcels from Broward County for the purpose of consolidating Town ownership of local roadways within Town boundaries. Town staff have reviewed the 9 parcels and agree that they are suitable for acceptance by the Town and to be maintained as part of the Town's local road system. Upon Town acceptance of the transfer, the Broward County Commission would take action to transfer and quit claim the 9 parcels to the Town.

Key Points:

- The Broward Real Property Division has recently sought to identify segments of rights-of-way that are owned by Broward County yet only serve as local roads within a municipality. This can occur when roadway dedications are made to Broward County in areas that were later annexed by the Town of Davie. It is important for the Town to have ownership of all local road rights-of-way to ensure that the Town has the authority to maintain and improve roadways, sidewalks, equestrian trails, and any other features that may exist in the right-of-way.
- After extensive coordination with Town staff, Broward County Real Property Division made a formal offer to transfer 9 right-of-way segments to the Town of Davie. Town staff have reviewed the 9 parcels and agree that they are suitable for acceptance by the Town and to be maintained as part of the Town's local road system.
- The 9 parcels are relatively small fragments of the Town's existing local road system. The cost of maintenance and/or repair will be covered under the approved Fiscal Year 2023 Public Works operational budget.
- Upon Town acceptance of the transfer, the Broward County Commission would take action to transfer and quit claim the 9 parcels to the Town.

Previous Actions: None.

Concurrences: None.

Fiscal Impact:

Has request been budgeted? N/A

If yes expected cost:

Account name and number:

If no, amount needed:

Account name funds will be appropriated from

Additional Comments The cost of maintenance and/or repair will be covered under the approved Fiscal Year 2023 Public Works operational budget.

Recommendation: Motion to approve

Strategic Goals This Item Supports:

ATTACHMENTS:

	File Name	Description
0	0_Reso_accept_right-of-way_10-28-22.pdf	Resolution
1	1_Exhibit_A_-_parcels.pdf	Exhibit A
2	2_Parcel_Map.pdf	Parcel Aerial Photo

