

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ACCEPTING AN EASEMENT RELATED TO THE PROVISION OF WATER AND WASTEWATER SERVICES, OVER, ACROSS, UNDER, AND THROUGH REAL PROPERTY LOCATED IN THE CITY OF DEERFIELD BEACH, FLORIDA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Fairway Memorial Properties, LLC ("Grantor"), is the owner of certain property located in the City of Deerfield Beach, Florida ("Property"), which Property is more particularly described in the legal description and sketch made subject to the Easement agreement in Attachment 1;

WHEREAS, Broward County, Florida ("County"), requested from Grantor, a nonexclusive and perpetual easement, over, across, under, and through the Property for water mains, wastewater force mains, reclaimed water mains, and/or any other water and wastewater installations which may be required, for purposes of providing water supply service for domestic or other use and for the collection of domestic or other kinds of wastewater to and from the Property and other parcels of real property which may or may not abut and be contiguous to the Property ("Easement");

WHEREAS, Grantor is willing to grant such Easement to the County as provided in the Easement agreement in Attachment 1; and

1 WHEREAS, the Board of County Commissioners of Broward County, Florida
2 ("Board"), has determined that acceptance of the Easement agreement serves a public
3 purpose and is in the best interest of the County, NOW, THEREFORE,
4

5 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
6 BROWARD COUNTY, FLORIDA:
7

8 Section 1. The recitals set forth in the preamble to this Resolution are true,
9 accurate, and incorporated by reference herein as though set forth in full hereunder.
10

11 Section 2. The Board hereby accepts the Easement agreement attached to
12 this Resolution as Attachment 1.
13

14 Section 3. The Easement agreement in Attachment 1 shall be properly
15 recorded in the Public Records of Broward County, Florida.
16

17 Section 4. Severability.

18 If any portion of this Resolution is determined by any court to be invalid, the
19 invalid portion will be stricken, and such striking will not affect the validity of the
20 remainder of this Resolution. If any court determines that this Resolution, in whole or in
21 part, cannot be legally applied to any individual, group, entity, property, or circumstance,
22 such determination will not affect the applicability of this Resolution to any other
23 individual, group, entity, property, or circumstance.
24

Section 5. Effective Date.

This Resolution is effective upon adoption.

ADOPTED this day of , 2022.

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

By: /s/ Christina A. Blythe 5/16/2022
Christina A. Blythe (Date)
Assistant County Attorney

By: /s/ Annika E. Ashton 5/16/2022
Annika E. Ashton (Date)
Deputy County Attorney

CAB/sr
Resolution Accepting Easement – Fairway Memorial Properties, LLC
5/16/2022

Attachment 1

Return to:
Broward County Water and
Wastewater Services Engineering Division
2555 West Copans Road
Pompano Beach, Florida 33069

Prepared by:
Margarita Jaramillo, Land Development Coordinator
Broward County Water and Wastewater Services
2555 West Copans Road
Pompano Beach, Florida 33068
and Approved as to form by:
Christina Blythe
Assistant County Attorney

Folio Number: **484215054931**

EASEMENT

This Easement, is made this 3rd day of March, 2020 ("Effective Date"), by Fairway Memorial Properties, LLC, a Delaware Limited Liability Company, ("Grantor") who's address is 1391 NW45th Street, Deerfield Beach, FL 33064 in favor of Broward County, a political subdivision of the State of Florida ("Grantee"), whose address is Governmental Center, 115 South Andrews Avenue, Fort Lauderdale, Florida 33301. Grantor and Grantee are hereinafter referred to collectively as the "Parties," and individually referred to as a "Party."

(Wherever used herein the terms, "Grantor" and "Grantee" shall include heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations wherever the context so admits or requires).

RECITALS

- A. Grantor is the fee simple owner of the following property located in Broward County, Florida (the "Property"):

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

- B. Grantee desires a nonexclusive and perpetual easement over, across, under, and through the Easement Area, as defined in Section 2, for water mains, wastewater force mains, reclaimed water mains, and/or for any other water and wastewater installations which may be required for the purpose of providing water supply service for domestic or other use and for the collection of domestic or other kinds of wastewater to and from properties, inclusive of the Property, which may or may not abut and being contiguous to the easement ("Easement").

C. Grantor is willing to grant the Easement to Grantee under the terms herein.

NOW, THEREFORE, for and in consideration of the mutual terms and conditions contained herein, and the sum of one dollar (\$1.00), and other good and valuable consideration, the sufficiency of which are hereby acknowledged, Grantor hereby declares as follows:

1. The recitals set forth above are true and accurate, and fully incorporated by reference herein.
2. Grantor hereby grants unto Grantee, its licensees, agents, and independent contractors, the Easement together with any incidental or necessary appurtenances thereto ("Easement Area"), which Easement Area is further described in **Exhibit A** attached hereto and made a part hereof.
3. Grantor agrees that no obstructions that would interfere with the maintenance or improvement of Grantee's facilities may be placed in the Easement Area without Grantee's prior consent.
4. Grantee shall, at its sole cost and expense, restore the surface of the Easement Area to the same condition which existed prior to the commencement of Grantee's access, maintenance, or repair to the Easement Area.
5. Grantor retains the right to engage in any activities on, over, under, across, or through the Easement Area and shall, for its own purpose, utilize the Property in any manner that does not unreasonably interfere with the Easement.
6. This Easement may be amended, altered, or modified only by written agreement between the Parties, or their heirs, assigns, or successors-in-interest, which shall be recorded in the Official Records of Broward County, Florida.
7. This Easement shall run with the land and shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, executors, administrators, successors, and assigns.
8. This Easement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. The Parties agree and accept that jurisdiction of any controversies or legal problems arising out of this Easement, and any action involving the enforcement or interpretation of any rights hereunder, shall be exclusively in the state courts of the Seventeenth Judicial Circuit in Broward County, Florida, and venue for litigation arising out of this Easement shall be exclusively in such state courts, forsaking any other jurisdiction which either Party may claim by virtue of residency or other jurisdictional device.
9. Grantee, at its own expense, shall record this fully executed Easement in its entirety in the Official Records of Broward County, Florida.

[The remainder of this page is intentionally left blank]

IN WITNESS WHEREOF, the undersigned has signed and sealed this Instrument on the respective date under its signature and certifies that he/she has the authority to execute this Instrument.

GRANTOR

Witness #1:

[Signature]
Signature

Lillian Richards
Print Name of Witness

_____, a
Fairway Memorial Properties LLC

a Delaware limited liability company

By [Signature]
Signature

Witness #2

[Signature]
Signature

Lisa Agumiri
Print Name of Witness

By: Fairway Memorial Capital LLC
Its Manager

By: Littlestone Memorial Properties LLC
Its Manager

By: Ralph Little
Its Manager

3rd day of March, 2020

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me, by means of [] physical presence or [] online notarization, this third day of March, 2020, by Ralph Little, the Manager of Littlestone Memorial Properties LLC, which is Manager of Fairway Memorial Capital LLC, on behalf of Fairway Memorial Properties LLC, a Delaware limited liability company [] who is personally known to me or [] who has produced known to me as identification.

Notary Public:

[Signature]
Signature: Nancy Gonzalez
Print Name:

State of Florida

My Commission Expires: May 8, 2020

Commission Number: FF989967

Approved as to form by the Office of the
Broward County Attorney

By: Christina A. Blythe Digitally signed by Christina A. Blythe
Date: 2022.05.06 10:57:28 -04'00'
Christina A. Blythe
Assistant County Attorney

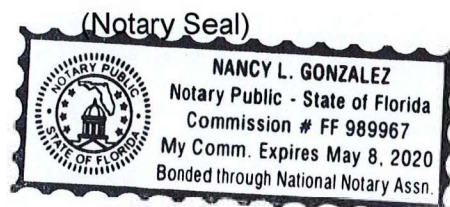


EXHIBIT A
EASEMENT

LOCATION MAP

SCALE: N.T.S.

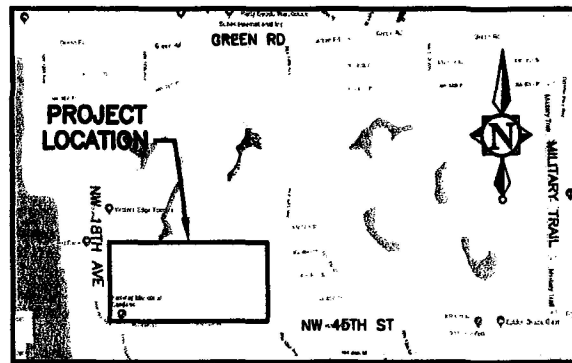


EXHIBIT "A"

DESCRIPTION:

A PORTION OF PARCEL "Y" OF CRYSTAL LAKE 4TH SECTION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 66, PAGE 19, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID PARCEL "Y"

THENCE SOUTH 88°31'14" WEST ALONG THE SOUTH LINE OF SAID PARCEL "Y", A DISTANCE OF 166.85 FEET;

THENCE NORTH 01°28'46" WEST, A DISTANCE OF 221.32 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 88°31'19" WEST, A DISTANCE OF 151.67 FEET;

THENCE SOUTH 01°28'41" EAST, A DISTANCE OF 6.50 FEET;

THENCE SOUTH 88°31'19" WEST, A DISTANCE OF 20.00 FEET;

THENCE NORTH 01°28'41" WEST, A DISTANCE OF 6.50 FEET;

THENCE SOUTH 88°31'19" WEST, A DISTANCE OF 105.57 FEET;

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THENCE NORTH 88°31'19" EAST, A DISTANCE OF 196.26 FEET;

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THENCE SOUTH 01°28'41" EAST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

SAID LAND SITUATE IN THE CITY OF DEERFIELD BEACH, BROWARD COUNTY, FLORIDA CONTAINING 6,555 SQUARE FEET, MORE OR LESS.

THIS IS NOT A BOUNDARY SURVEY

PREPARED FOR:

FAIRWAY MEMORIAL PROPERTIES, LLC.

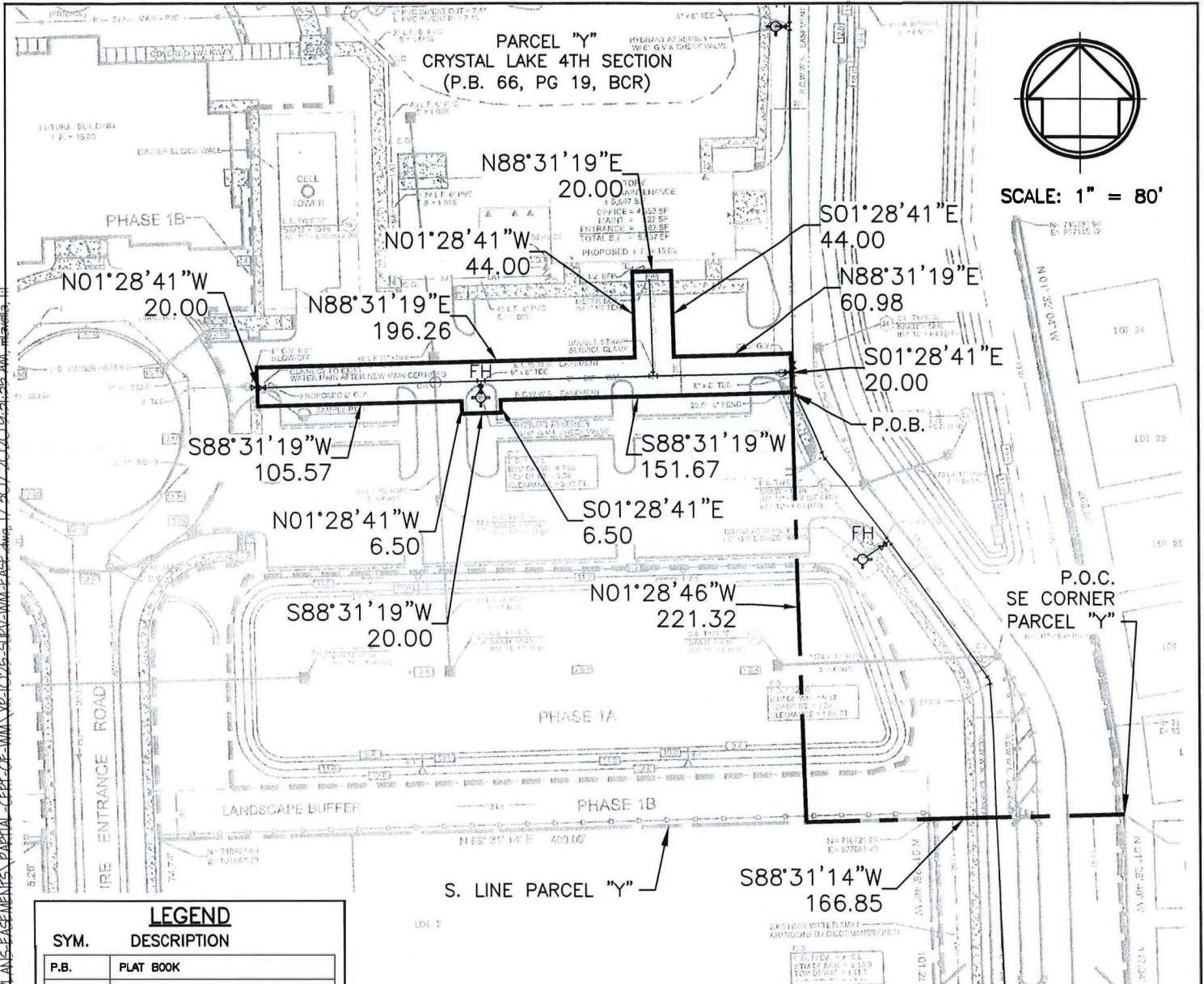
CRAIG A. SMITH & ASSOCIATES

21045 COMMERCIAL TRAIL
BOCA RATON, FLORIDA 33486
(561)791-9280
CERT. NO. LB0003110



SKETCH & DESCRIPTION	MRL	01/28/20	N/A	ROK
REVISION	DWN	DATE	FB/PG	CKD
UTILITY EASEMENT FAIRWAY MEMORIAL GARDENS DEERFIELD BEACH, FLORIDA				
PROJECT NUMBER: 15-1025				
FILE NAME: XR-1025-SURV-WM-EASE.dwg			SHEET 61 OF 7	

P:\Projects\15-1025-01-28-20\15-1025-01-28-20.dwg



LEGEND	
SYM.	DESCRIPTION
P.B.	PLAT BOOK
PG	PAGE
BCR	BROWARD COUNTY RECORDS
P.O.C.	POINT OF COMMENCE
P.O.B.	POINT OF BEGINNING
FH	FIRE HYDRANT
V	WATER VALVE
WL	WATER LINE

THIS IS NOT A
BOUNDARY SURVEY

SURVEYOR'S NOTES:

1. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.
2. BEARINGS SHOWN HEREON ARE RELATIVE TO THE SOUTH LINE OF OF PARCEL "Y" CRYSTAL LAKE 4TH SECTION ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 66, PAGE 19 OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA, HAVING AN ASSUMED BEARING OF S88°31'14"W.
3. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY THIS FIRM IN THE MAKING OF THIS SURVEY. THERE MAY EXIST EASEMENTS, RESTRICTIONS, RIGHTS OF WAY, ETC., WHICH APPEAR IN THE PUBLIC RECORDS, OR THAT ARE BASED ON UNDOCUMENTED AND/OR UNRECORDED AGREEMENTS, WHICH AFFECT THIS DESCRIPTION.

SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

FOR THE FIRM,

ROBERT D. KEENER
PROFESSIONAL SURVEYOR AND MAPPER #4846

SKETCH & DESCRIPTION	MRL	01/29/20	N/A	RDK
REVISION	DWN	DATE	FB/PG	CKD

CRAIG A. SMITH & ASSOCIATES

21045 COMMERCIAL TRAIL
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UTILITY EASEMENT
FAIRWAY MEMORIAL GARDENS
DEERFIELD BEACH, FLORIDA

PROJECT NUMBER: 15-1025

FILE NAME: XR-1025-SURV-WM-EASE.dwg

SHEET 7 OF 7

2598

OPINION OF TITLE

Broward County Land Development Code - Section 5-189(c)(3)
Florida Statutes Chapter 177

To: Broward County Board of County Commissioners

With the understanding that this Opinion of Title is furnished to Broward County Board of County Commissioners, as inducement for acceptance of a proposed utility easement covering the real property, hereinafter described, it is hereby certified that the following report reflects a comprehensive search of the Public Records affecting the above described property covering the period ending on March 10, 2020 at 8:00 a.m., of the following described property:

Utility Easement Property:

Legal Description: See **Exhibit A** ("Utility Easement Property").

Ownership and Signature Block:

I am of the opinion that on the last mentioned dated, the fee simple title to the Utility Easement Property was vested in: Fairway Memorial Properties LLC, a Delaware limited liability company ("Owner").

The signature block for Owner is:

FAIRWAY MEMORIAL PROPERTIES LLC,
a Delaware limited liability company

By: FAIRWAY MEMORIAL CAPITAL, LLC,
a Florida limited liability company,
Its Sole Member

By: LITTLESTONE MEMORIAL PROPERTIES, LLC,
a Florida limited liability company,
Its Manager

By: 
Ralph E. Little, III,
Its Manager

The Utility Easement Property is Subject to the following:

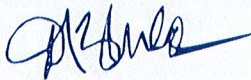
Mortgage(s) of Record (*if none, state none*): Cortland Capital Market Services LLC, a Delaware limited liability company, as collateral agent, by virtue of Instrument No. 115077545.

List of easements and Rights-of-Way lying within the Utility Easement Property boundaries (*if none, state none*):

1. Access easement provided within the above-described mortgage.
2. Any easement contained in Declaration of Restrictive Covenant dated July 6, 2012 and recorded as Instrument No. 110868892.
3. Easements contained in Instrument dated June 9, 2016 and recorded as Instrument No. 113747031.
4. Easement to Broward County dated November 14, 2016 and recorded as Instrument No. 114530106.
5. Right of ingress and egress for visiting or maintaining cemetery pursuant to Section 704.08, Florida Statutes, and any other rights existing pursuant to laws applicable to cemetery property.

I HEREBY CERTIFY that the foregoing report reflects a comprehensive search of the Public Records of Broward County, Florida, regarding the Utility Easement Property and is based on records and search information provided to me by First American Title Insurance Company. I further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this March 12, 2020.

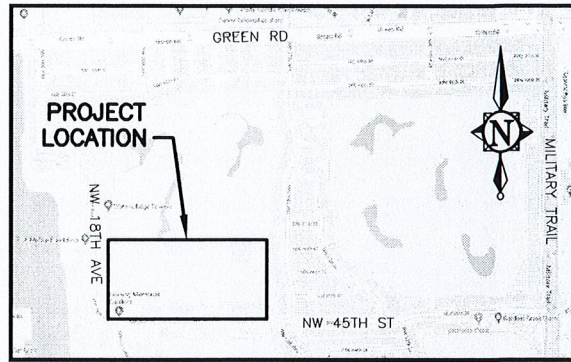


D. Bedford Wilder
Florida Bar No. 52948

Exhibit A to Title Opinion

LOCATION MAP

SCALE: N.T.S.



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PREPARED FOR:

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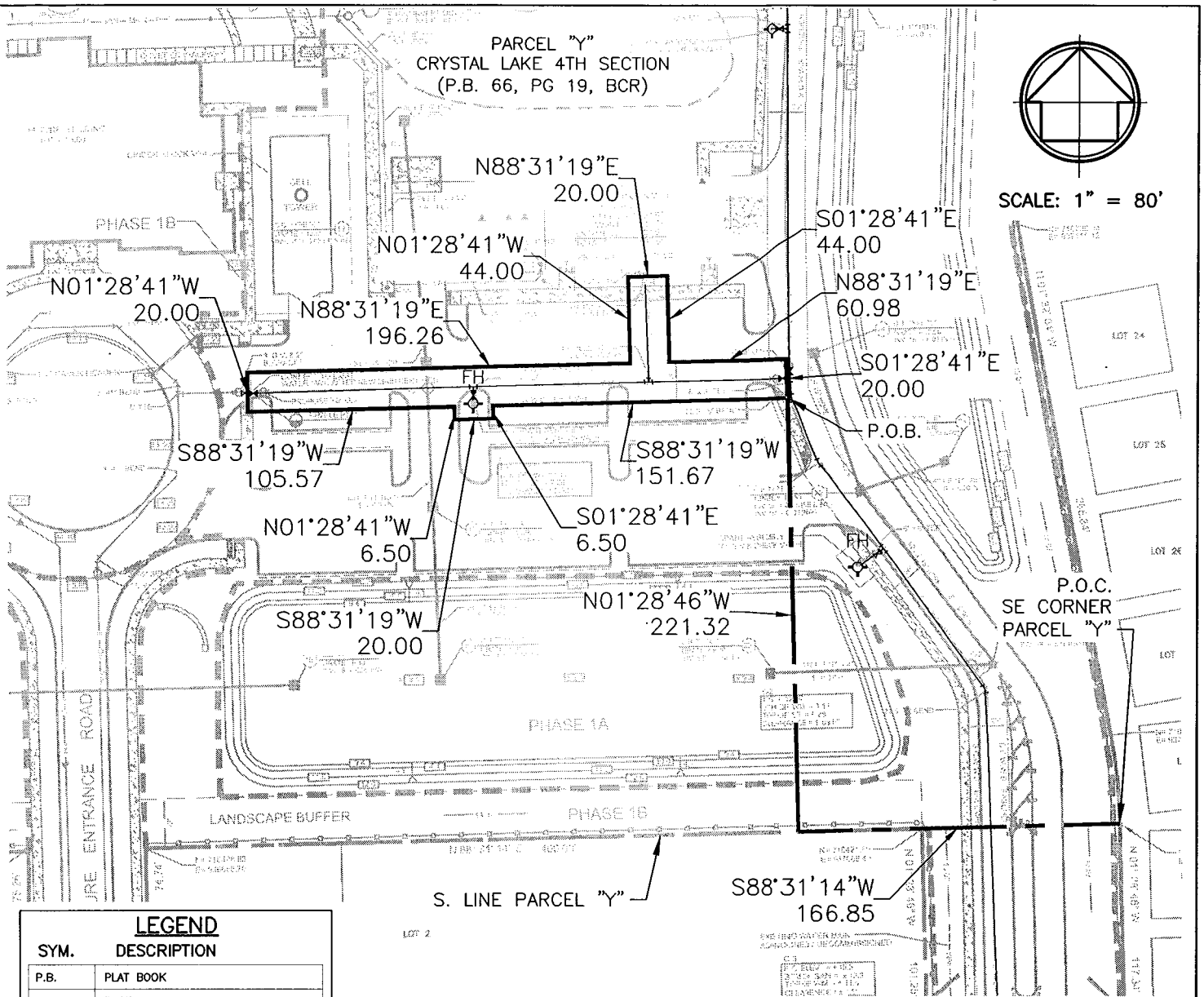
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FAIRWAY MEMORIAL GARDENS
DEERFIELD BEACH, FLORIDA

PROJECT NUMBER: 15-1025

FILE NAME: XR-1025-SURV-WM-EASE.dwg

SHEET 1 OF 2

PARCEL "Y"
CRYSTAL LAKE 4TH SECTION
(P.B. 66, PG 19, BCR)



SYM.	DESCRIPTION
------	-------------

P.B.	PLAT BOOK
PG	PAGE
BCR	BROWARD COUNTY RECORDS
P.O.C.	POINT OF COMMENCE
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 FH	FIRE HYDRANT
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— WL —	WATER LINE

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FOR THE FIRM,

ROBERT D. KEENER
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SHEET 2 OF 2