

PROPOSED

RESOLUTION NO.

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

6
7 WHEREAS, 2022 Seneca Pembroke Park LLC, a Florida limited liability company
8 (“Grantor”), is the owner of certain property located in the City of Pembroke Park, Florida
9 (“Property”), which Property is more particularly described in the legal description and
10 sketch made subject to the Easement agreement in Attachment 1;

11 WHEREAS, Broward County, Florida (“County”), requested from Grantor a
12 nonexclusive and perpetual easement over, across, under, and through the Property for
13 water mains, wastewater force mains, reclaimed water mains, and/or any other water and
14 wastewater installations that may be required for purposes of providing water supply
15 service for domestic, commercial, industrial, or other uses and for the collection of
16 domestic, commercial, industrial, or other kinds of wastewater to and from the Property
17 and other parcels of real property that may or may not abut and be contiguous to the
18 Property (“Easement”);

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

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

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

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

28 Section 2. The Board hereby accepts the Easement as provided in the
29 Easement agreement attached to this Resolution as Attachment 1.

30 Section 3. The Easement agreement in Attachment 1 shall be properly
31 recorded in the Official Records of Broward County, Florida.

32 Section 4. Severability.

33 If any portion of this Resolution is determined by any court to be invalid, the invalid
34 portion will be stricken, and such striking will not affect the validity of the remainder of this
35 Resolution. If any court determines that this Resolution, in whole or in part, cannot be
36 legally applied to any individual, group, entity, property, or circumstance, such
37 determination will not affect the applicability of this Resolution to any other individual,
38 group, entity, property, or circumstance.

39 | Section 5. Effective Date.

40 | This Resolution is effective upon adoption.

ADOPTED this day of , 2024. **PROPOSED**

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

By: /s/ Christina A. Price 12/15/2023
Christina A. Price (date)
Assistant County Attorney

By: /s/ Annika E. Ashton 12/15/2023
Annika E. Ashton (date)
Deputy County Attorney

Attachment 1

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

Prepared by: Margarita Jaramillo

Broward County Water and Wastewater Services
2555 West Copans Road
Pompano Beach, Florida 33068
and Approved as to form by:
Christina A. Blythe
Assistant County Attorney

Folio Number: 514220170073

EASEMENT

This Easement, is made this 26th day of June, 2023 ("Effective Date"), by 2022 Seneca Pembroke Park, LLC, a Limited Liability Corporation ("Grantor") whose address is 151 Sawgrass Corners Drive #202, Ponte Vedra Beach, FL 32092 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, commercial, industrial, or other use and for the collection of domestic, commercial, industrial, or other kinds of wastewater to and from properties, inclusive of the Property, which may or may not abut or be 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.

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:

Cheyenne Bardroff
Signature

Cheyenne Bardroff
Print Name of Witness

Witness #2

Debra DeCesare-Kenna
Signature

Debra DeCesare-Kenna
Print Name of Witness

2022 Seneca Pembroke Park LLC, a
Business Name

Limited Liability Corporation
Business Type

By [Signature]
Signature

Paul S Ferber
Print Name

Manager
Title

26th day of June, 2023

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

By: Christina A. Price Digitally signed by Christina A. Price
Date: 2023.12.15 13:35:34 - 0500
Christina A. Price
Assistant County Attorney

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 26th day of June, 2023, by Paul S Ferber
_____, the Manager
of 2022 Seneca Pembroke Park LLC, a _____ Limited Liability Corporation,
☒ who is personally known to me or
☐ who has produced _____ as identification.

Notary Public:

[Signature]

Signature: Shianne O'Connor
Print Name:

State of Florida
My Commission Expires: 8/1/26
Commission Number: HH 296305

(Notary Seal)

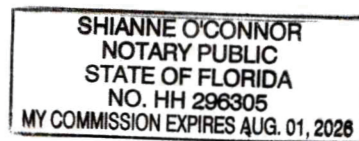


EXHIBIT "A"

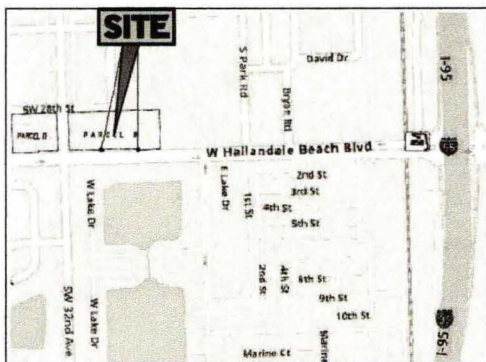
DESCRIPTION OF UTILITY EASEMENT (NOT A SURVEY)

LEGAL DESCRIPTION

25 FOOT UTILITY EASEMENT:

A 25 FOOT UTILITY EASEMENT BEING ON A PORTION OF PARCEL B, SENECA PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 165 AT PAGE 9 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID PARCEL B; THENCE NORTH 01°33'39" WEST ALONG THE WEST LINE OF SAID PARCEL B FOR 10.00 FEET, THE FOLLOWING THREE (3) COURSES BEING ALONG THE NORTH RIGHT OF WAY LINE OF HALLANDALE BEACH BOULEVARD (STATE ROAD-858); 1) THENCE NORTH 88°18'07" EAST FOR 280.03 FEET; 2) THENCE NORTH 01°41'53" WEST FOR 12.00 FEET; 3) THENCE NORTH 88°18'07" EAST FOR 261.14 FEET; THENCE DEPARTING SAID NORTH LINE NORTH 02°42'49" WEST FOR 333.88 FEET; THENCE NORTH 88°18'54" EAST FOR 233.49 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF A 25 FOOT UTILITY EASEMENT, MEASURING 12.50 FEET ON BOTH SIDES; THENCE SOUTH 01°39'28" EAST FOR 31.62 FEET TO THE POINT OF TERMINUS.



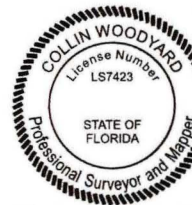
LOCATION MAP

NOT TO SCALE



SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS "SKETCH AND DESCRIPTION" WAS MADE UNDER MY RESPONSIBLE CHARGE ON SEPTEMBER 15, 2023, AND MEETS THE APPLICABLE CODES AS SET FORTH IN FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.



Digitally signed by Collin Woodyard
DN: c=US, serialNumber=MAS20230809916
239, st=Florida, l=Boca Raton, o=BOHLER ENGINEERING FL, LLC, cn=Collin Woodyard, email=cwoodyard@bohlereng.com
Date: 2023.09.15 14:16:08 -04'00'

COLLIN WOODYARD
LS. 7423
09/15/2023

"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER"

SHEET 1 OF 2

SCALE:
N.T.S.

DATE:
09/15/2023

DRAWN:
CW

PROJECT:
FLM200202

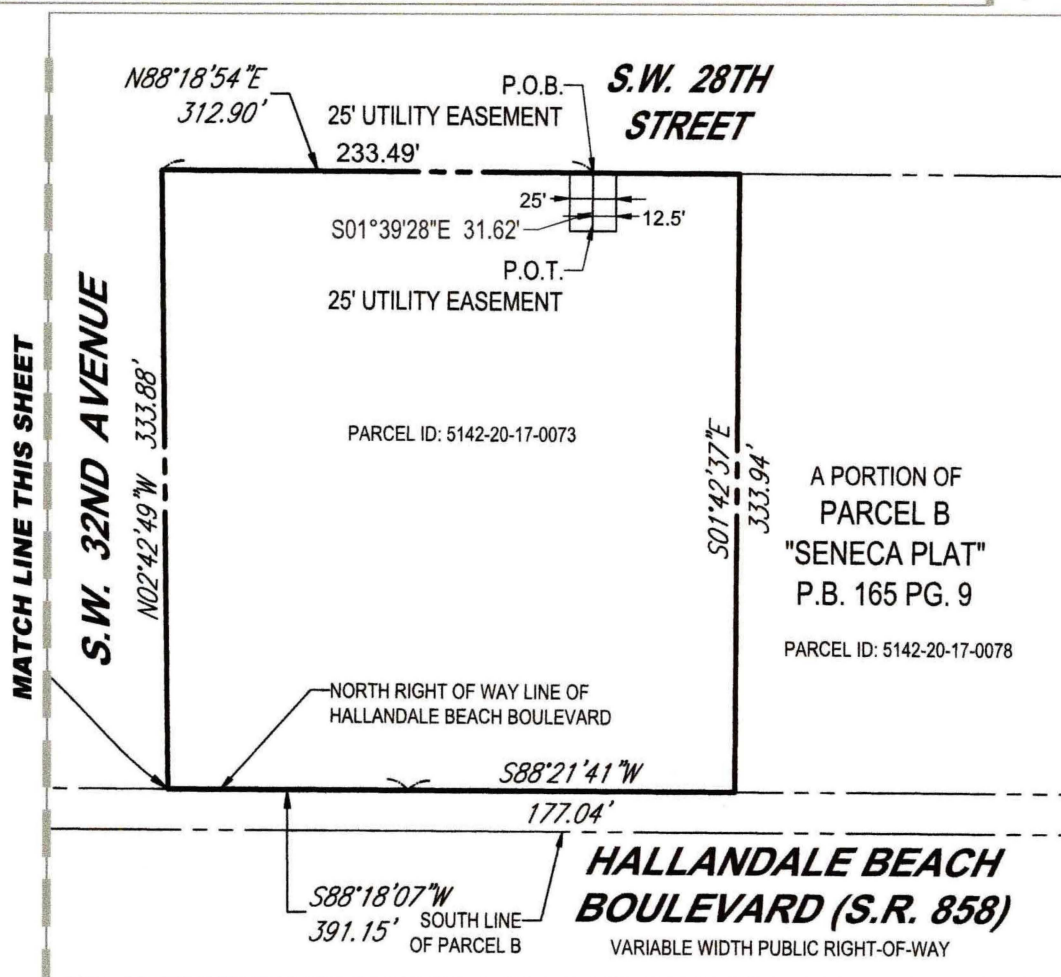
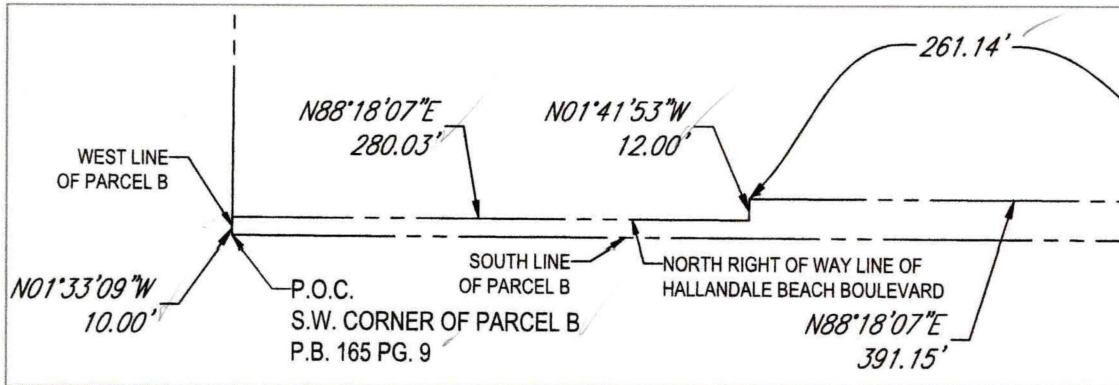
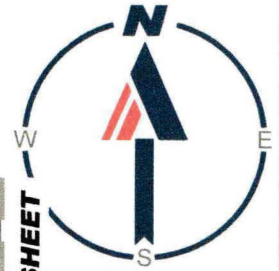
SEC. 29
TWP. 51 S.
RNG. 42 E.

1900 NW CORPORATE BLVD., SUITE 101E
BOCA RATON, FL 33431 561.571.0280
CERT. OF AUTHORIZATION: LB#8085

BOHLER

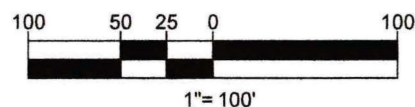
EXHIBIT "A"

SKETCH OF UTILITY EASEMENT (NOT A SURVEY)



LEGEND

SEC.	SECTION	NAD	NORTH AMERICAN DATUM
TWP.	TOWNSHIP	N	NORTH
RNG.	RANGE	E	EAST
P.O.B.	POINT OF BEGINNING	S	SOUTH
P.O.C.	POINT OF COMMENCEMENT	W	WEST
P.O.T.	POINT OF TERMINUS	P.B.	PLAT BOOK
NO.	NUMBER	PG.	PAGE
P.S.M.	PROFESSIONAL SURVEYOR AND MAPPER	F.D.O.T.	FLORIDA DEPARTMENT OF TRANSPORTATION



SHEET 2 OF 2

SCALE: 1"=100'	DATE: 09/15/2023	DRAWN: CW	PROJECT: FLM200202	SEC. 29 TWP. 51 S. RNG. 42 E.	1900 NW CORPORATE BLVD., SUITE 101E BOCA RATON, FL 33431 561.571.0280 CERT. OF AUTHORIZATION: LB#8085	BOHLER ™
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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 closeout of a BCWWS easement covering the real property, hereinafter described, it is hereby certified that the following report, based entirely on Fidelity National Title Insurance Company Property Information Report Order No. 10768515, is believed to reflect a comprehensive search of the Public Records affecting the above described property covering the period from the beginning to the 21st day of September, 2023, at the hour of 8:00 AM, inclusive, of the following described property:

Legal Description *(must match plat legal description)*

Include reference to and copy(ies) of original deeds vesting title to current owner(s)

Overall Property:

A portion of Parcel B, of "SENECA PLAT", according to the Plat thereof, as recorded in Plat Book 165, Page 9, of the Public Records of Broward County, Florida, being more particularly described as follows:

Begin at the Southeast corner of said Parcel B; Thence South 88° 21' 41" West, a distance of 196.72 feet; Thence North 78° 08' 34" West, a distance of 51.42 feet; Thence South 88° 21' 41" West, a distance of 255.00 feet; Thence South 01° 38' 19" East, a distance of 12.00 feet; Thence South 88° 21' 41" West, a distance of 3.82 feet; Thence North 78° 08' 34" West, a distance of 51.42 feet; Thence South 88° 21' 41" West, a distance of 115.00 feet; Thence South 88° 18' 07" West, a distance of 130.00 feet (the last eight (8) courses and distances being coincident with the Northerly Right-of-Way line of Hallandale Beach Boulevard); Thence North 02° 42' 49" West, a distance of 333.88 feet; Thence North 88° 18' 54" East, a distance of 806.70 feet; Thence South 01° 39' 19" East along the Easterly line of said Parcel B, a distance of 346.34 feet to the Point of Beginning.

Less and except the parcels described in that certain Warranty Deed from 2022 Seneca Pembroke Park LLC to the State of Florida Department of Transportation recorded under Clerks No.118356690, in the public records of Broward County, Florida.

Vesting Deeds:

Special Warranty Deed recorded under Clerks No. 118112254, in the public records of Broward County, Florida (as to Parcel 1, which remains following the conveyance of Parcel 2 and Parcel 3 and the land described in the FDOT Warranty Deed)

Special Warranty Deed recorded under Clerks No. 118115945, in the public records of Broward County, Florida (as to Parcel 2)

Special Warranty Deed recorded under Clerks No. 118707094, in the public records of Broward County, Florida (as to Parcel 3)

I am of the opinion that on the last mentioned date, having reviewed the aforementioned Property Information Report and the aforementioned Vesting Deeds, the fee simple title to the above-described real property was vested in:

Names of all Owner(s) of Record:

2022 Seneca Pembroke Park LLC, a Florida limited liability company (as to Parcel 1)

Concept Development Inc., a Florida corporation (as to Parcel 2)

SS RE 1 Hallandale, LLC, a Delaware limited liability company (as to Parcel 3)

NOTE: If any property owner is a partnership or trust, please include the names of all partner(s) or trustee(s) who are required to execute the plat dedication.

Subject to the following:

Mortgage(s) of Record *(if none, state none):*

(If any mortgage holder is a partnership or trust, please include the names of all partners(s) or trustee(s) who are required to execute the plat dedication.

as to Parcel 1

Mortgage, Security Agreement, Financing Statement and Assignment of Rents in favor of Hancock Whitney Bank recorded under Clerks No. 118113907.

Collateral Assignment of Rents and Leases in favor of Hancock Whitney Bank recorded under Clerks No. 118113909.

UCC Financing Statement in favor of Hancock Whitney Bank recorded under Clerks No. 118113911.

as to Parcel 2

Mortgage in favor of SouthState Bank, N.A. recorded under Clerks No. 118115947.

Collateral Assignment of Leases, Rents and Profits in favor of SouthState Bank, N.A. recorded under Clerks No. 118115948.

UCC Financing Statement in favor of SouthState Bank, N.A. recorded under Clerks No. 118115949.

as to Parcel 3

None.

List of easements and Rights-of-Way lying within the plat boundaries (if none, state none). (Attach copies of all recorded document(s) [excluding recorded plats].

1. Notices of Commencement recorded under Clerks No. 118113916, 118113914, 118113915, 118751204, 118853073, 119064331, and 119028172.
2. Memorandum of Land Lease Agreement recorded under Clerks No. 118793356.
3. Restrictions, covenants, conditions, easements, dedications and other matters as contained on the Plat of "SENECA PLAT", recorded in Plat Book 165, Page 9, of the Public Records of Broward County, Florida; as affected by Agreement for Amendment of Notation on Plat recorded October 15, 1998, in Official Records Book 28918, Page 1507; by Resolution recorded July 26, 1999, in Official Records Book 29694, Page 1935; by Agreement for Amendment of Notation on Plat recorded July 26, 2007, in Official Records Book 44386, Page 573, and together with "Sketch" recorded March 31, 2017, as Official Instrument # 114294390, as affected by Release of Easement recorded under Clerks No. 118016798.

4. Resolution designating area of operation of Broward County Water System No. 4, recorded January 23, 1969, in Official Records Book 3843, Page 412.
5. Terms, conditions, provisions, easements and obligations of that certain Agreement for Installation of Required Improvements Relating to Seneca Plat recorded June 17, 1998, in Official Records Book 28407, Page 456; as amended by Amendment recorded March 7, 2003, in Official Records Book 34706, Page 295; further modified by that Release of Lien recorded March 20, 2003, in Official Records Book 34782, Page 1377.
6. Terms, conditions, provisions, easements and obligations of that certain Developer's Agreement by and between Seneca Land Company, Inc. and The Town of Pembroke Park, recorded August 24, 1998, in Official Records Book 28781, Page 365; as amended April 2, 1999, in Official Records Book 29357, Page 1508; recorded May 4, 2001, in Official Records Book 31560, Page 265; as affected by Agreement recorded April 24, 2008, in Official Records Book 45309, Page 1143.
7. Terms, conditions, provisions, easements and obligations of that certain Transit Impact Agreement recorded October 15, 1998, in Official Records Book 28918, Page 1497; released as to the lien recorded November 4, 2010, in Official Records Book 47504, Page 1291.
8. Terms, conditions, provisions, easements and obligations of that certain Declaration of Easements recorded February 16, 1999, in Official Records Book 29242, Page 1892.
9. Terms, conditions, provisions, easements and obligations of that certain Developer's Agreement in favor of Broward County, recorded March 24, 1999, in Official Records Book 29339, Page 370; together with Bill of Sale Absolute to Broward County for the goods and chattels installed on W. Hallandale Blvd., recorded January 18, 2000, in Official Records Book 30166, Page 1777.
10. Utility Easement in favor of Florida Power & Light Company recorded November 30, 1999, in Official Records Book 30054, Page 1806; as affected by Non-Disturbance Agreement recorded February 20, 2008, in Official Records Book 45112, Page 1160.
11. Terms, conditions, provisions, easements and obligations of that certain Easement in favor of Broward County, Florida, for water and sewer lines, recorded January 10, 2000, in Official Records Book 30166, Page 1787.
12. Terms, covenants, conditions, easements, restrictions, reservations and other provisions, which provides for a private charge or assessment and liens for liquidated damages, according to that certain Declaration of Covenants,

Conditions and Restrictions for Seneca Industrial Park recorded March 10, 2000, in Official Records Book 30326, Page 1967; as affected by Supplements recorded June 21, 2000, in Official Records Book 30607, Page 1593; recorded March 28, 2001, in Official Records Book 31418, Page 941; recorded June 27, 2007 in Official Records Book 44254, Page 1115; Amendment recorded September 8, 2009, in Official Records Book 46507, Page 209; and as may be further amended.

13. Terms, conditions, provisions, easements and obligations of that certain Multi Phase Developer's Agreement in favor of Broward County, Florida, for water and sewer lines, recorded June 26, 2000, in Official Records Book 30617, Page 370; together with Bill of Sale Absolute to Broward County for the goods and chattels installed on W. Hallandale Blvd, recorded November 20, 2001 in Official Records Book 32385 Page 1680.

14. Terms, conditions, provisions, easements and obligations of that certain Multi Phase Developer's Agreement in favor of Broward County, Florida, for water lines, recorded June 26, 2000, in Official Records Book 30617, Page 549.

15. Terms, conditions, provisions and obligations of that certain Recorded Notice of Environmental Resource Permit, recorded August 9, 2016, as Official Instrument # 113861394.

16. Resolution No. 16-07-01 by Town of Pembroke Park Approving The Parking Reduction for East Coast Invest., LLC, a Florida limited liability company, recorded November 3, 2016, as Official Instrument # 114024160; as consented to by East Coast Invest, LLC, recorded November 3, 2016, as Official Instrument # 114024161.

17. Easement as recorded in Official Records Book 36971, Page 242.

18. Development order recorded under Clerks No. 117936040.

19. Development Order recorded under Clerks No. 117936041.

20. Terms and Conditions set forth in that Reciprocal Easement Agreement with Covenants, Conditions and Restrictions recorded under Clerks No. 118113905.

21. Easement to FP&L recorded under Clerks No. 118113906.

22. Collateral Assignment of Contracts, Development Rights, Permits, Licenses and Impact Fee Credits recorded under Clerks No. 118113910.

23. Subordination, Non-Disturbance and Attornment Agreement recorded under Clerks No. 118113912.

24. Notice of Lease recorded under Clerks No. 118113913.
25. LLC Affidavit recorded under Clerks No. 118113908.
26. Survey Affidavit recorded under Clerks No. 118116278.
27. Warranty Deed recorded under Clerks No. 118356690.
28. Recorded Notice of Environmental Resource Permit recorded under Clerks No. 118368214.
29. Amendment to Nonvehicular Access Line recorded under Clerks No. 118849765.
30. Security/Lien Agreement Installation of Required Improvements recorded under Clerks No. 118849766.
31. Agreement for Amendment of Notation on Plat recorded under Clerks No. 118857609.
32. LLC Affidavit recorded under Clerks No. 118115946.
33. LLC Affidavit recorded under Clerks No. 118116277.

I HEREBY CERTIFY that the foregoing report is believed to reflect a comprehensive search of the Public Records of Broward County, Florida, affecting the above-described property. 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 27th day of September, 2023.



Raymond M. O'Steen, Jr.

Florida Bar No. 0476935