

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 POMPANO BEACH, FLORIDA; AND
5 PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

6
7 WHEREAS, Rozap, Inc., a Florida corporation ("Grantor"), is the owner of certain
8 property located in the City of Pompano Beach, Florida ("Property"), which Property is
9 more particularly described in the legal description and sketch made subject to the
10 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 , 2023. **PROPOSED**

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

By: /s/ Christina A. Price 12/11/2023
Christina A. Price (date)
Assistant County Attorney

By: /s/ Annika E. Ashton 12/11/2023
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:
Margarite Jaramillo
Broward County Water and Wastewater Services
2555 West Copans Road
Pompano Beach, Florida 33068
and Approved as to form by:
Christina A. Price
Assistant County Attorney

Folio Number: 4 84 319 0002 90

EASEMENT

This Easement, is made this 19 day of April, 2023 ("Effective Date"), by Rozap Inc, a Florida Profit Corporation ("Grantor") whose address is 2501 N Federal Highway Pompano 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, 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:

Starr Paton

Signature

Starr Paton

Print Name of Witness

Witness #2

Janice T. Conn

Signature

Janice T. Conn

Print Name of Witness

Rozap Inc, a

Business Name

Florida Profit Corporation

Business Type

By

Signature

John Castellano

Print Name

President

Title

19 day of April, 2023

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF BROWARD

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

By: Christina A. Price Digitally signed by Christina A. Price
Date: 2023.12.11 15:39:10 -05'00'
Christina A. Price
Assistant County Attorney

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 19 day of April, 2023, by John Castellano, the President, on behalf of Rozap Inc, a Florida Profit Corporation,

☒ who is personally known to me or ☐ who has produced _____ as identification.

Notary Public:

Starr Paton

Signature: Starr Paton

Print Name:

State of Florida

My Commission Expires: 1/8/2025

Commission Number: HH043350

(Notary Seal)

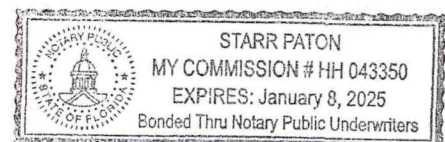


EXHIBIT A
EASEMENT



SKETCH AND LEGAL DESCRIPTION
BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • E-MAIL: surveys@pulicelandsurveyors.com

CERTIFICATE OF AUTHORIZATION LB#3870



LEGAL DESCRIPTION: BROWARD COUNTY UTILITY EASEMENT

A PORTION OF PARCEL "A", "RAISING CANE'S POMPAÑO BEACH", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 183, PAGE 540, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL "A"; THENCE ALONG THE EAST LINE OF SAID PARCEL "A", THE FOLLOWING TWO COURSES AND DISTANCES: 1) SOUTH 18°47'15" WEST 50.90 FEET; 2) SOUTH 06°53'00" WEST 153.76 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL "A"; THENCE SOUTH 88°41'48" WEST ALONG THE SOUTH LINE OF SAID PARCEL "A" 10.10 FEET; THENCE NORTH 06°53'00" EAST ALONG A LINE 10 FEET WEST OF AND PARALLEL TO SAID EAST LINE 145.64 FEET; THENCE NORTH 10°39'11" EAST 33.26 FEET; THENCE NORTH 88°32'53" WEST 9.09 FEET; THENCE NORTH 10°28'06" EAST 15.02 FEET; THENCE NORTH 90°00'00" EAST 9.18 FEET; THENCE NORTH 10°39'11" EAST 8.55 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL "A"; THENCE NORTH 88°41'48" EAST ALONG SAID NORTH LINE 16.92 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT LYING AND BEING IN THE CITY OF POMPAÑO BEACH, BROWARD COUNTY, FLORIDA, AND CONTAINING 2,305 SQUARE FEET, MORE OR LESS.

NOTES:

- 1) BEARINGS ARE BASED ON STATE PLANE COORDINATES AND ARE BASED ON NORTH AMERICAN DATUM OF 1983 WITH THE 1990 ADJUSTMENT. FL-E ZONE, WITH THE NORTH LINE OF PARCEL "A", "RAISING CANE'S POMPAÑO BEACH", BEING N88°41'48"E.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR AN ELECTRONIC SIGNATURE AND ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 4) ALL RECORDED DOCUMENTS ARE PER THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

CLIENT: KIMLEY-HORN AND ASSOCIATES, INC.

SCALE: N/A

DRAWN: B.B./DCW

ORDER NO.: 69904A

DATE: 5/17/22; REV. 3/30/23

BROWARD COUNTY UTILITY EASEMENT


2501 NORTH FEDERAL HIGHWAY

POMPAÑO BEACH, BROWARD COUNTY, FL

FOR: RAISING CANE'S POMPAÑO BEACH

SHEET 1 OF 2

THIS DOCUMENT IS NEITHER FULL NOR
COMPLETE WITHOUT SHEETS 1 AND 2


☒ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
☐ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
☐ DONNA C. WEST, PROFESSIONAL SURVEYOR AND MAPPER LS4290
 STATE OF FLORIDA



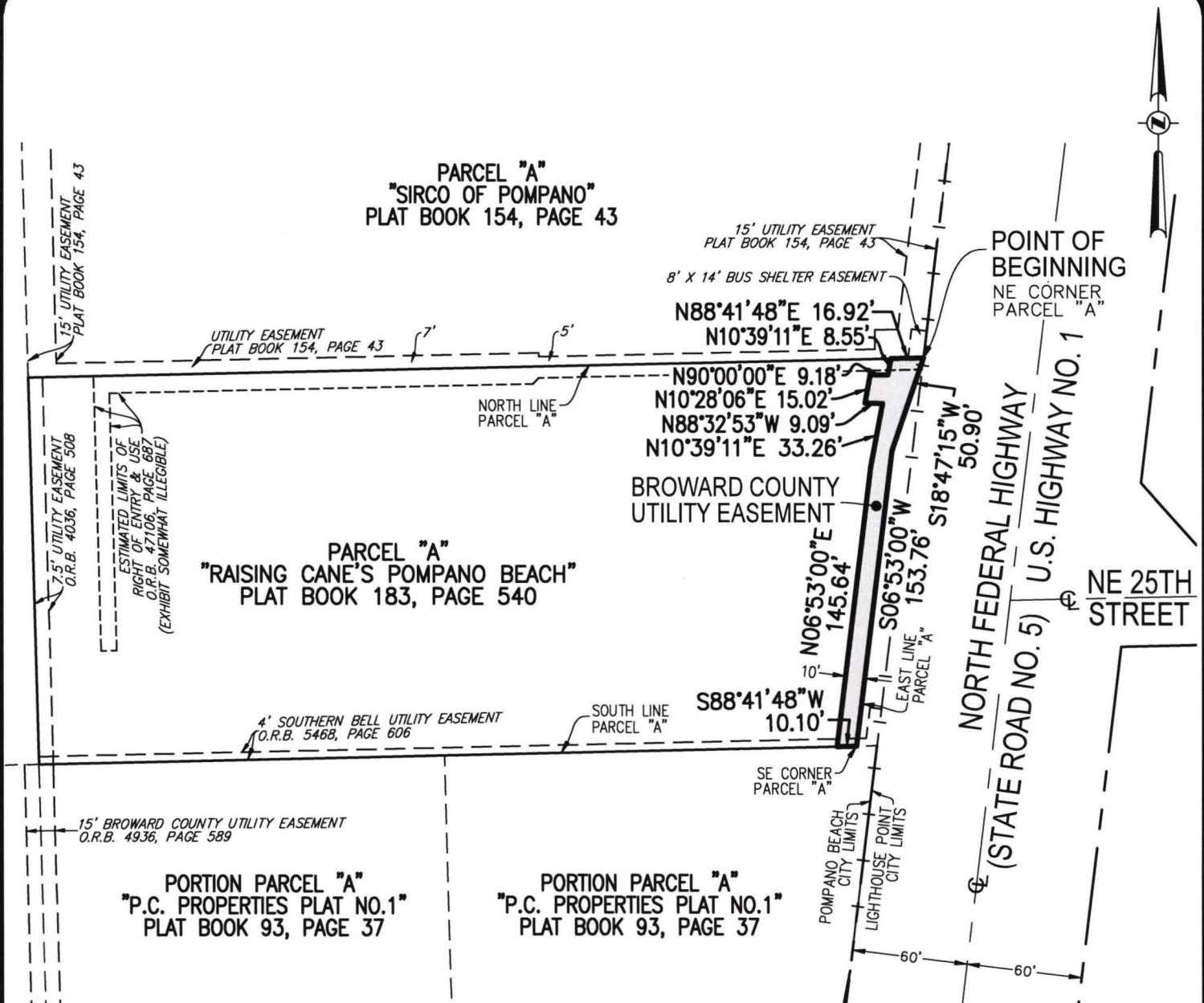
SKETCH AND LEGAL DESCRIPTION

BY

PULICE LAND SURVEYORS, INC.5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • E-MAIL: surveys@pulicelandsurveyors.com

CERTIFICATE OF AUTHORIZATION LB#3870



CLIENT: KIMLEY-HORN AND ASSOCIATES, INC.

SCALE: 1"=80'

DRAWN: B.B./DCW

ORDER NO.: 69904A

DATE: 5/17/22; REV. 3/30/23

BROWARD COUNTY UTILITY EASEMENT

2501 NORTH FEDERAL HIGHWAY

POMPANO BEACH, BROWARD COUNTY, FL

FOR: RAISING CANE'S POMPANO BEACH

SHEET 2 OF 2

THIS DOCUMENT IS NEITHER FULL NOR
COMPLETE WITHOUT SHEETS 1 AND 2

LEGEND:

⊕ CENTERLINE
O.R.B. OFFICIAL RECORDS BOOK
R/W RIGHT-OF-WAY
—|—|— CITY LIMITS LINE

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 easement affecting the real property hereinafter described (the "Easement Property"), it is hereby certified that the following reports reflects a comprehensive search of the Public Records affecting the below described Easement Property covering the period from the beginning to the 27th day of September, 2023, at the hour of 11:00 p.m. (the "Effective Date"), inclusive, of the following described property:

Reports: Commitment for Title Insurance dated June 24, 2022 issued by Old Republic National Title Insurance Company ("Title Company") under File No. 20145197/TX20203908, updated by report by Title Company dated October 3, 2023 (collectively, the "Title Report")

Easement Property: A portion of Parcel A of Raising Cane's Pompano Beach, according to the Plat thereof, as recorded in Plat Book 183, Page 540 of the Public Records of Broward County, Florida, being more particularly described as follows:

Beginning at the Northeast corner of said Parcel "A"; Thence along the east line of said Parcel "A", the following two courses and distances: 1) South 18°47'15" West 50.90 feet; 2) South 06°53'00" West 153.76 feet to the Southeast corner of said Parcel "A"; Thence South 88°41'48" West along the south line of said Parcel "A" 10.10 feet; Thence North 06°53'00" East along a line 10 feet West of and Parallel to said East line 145.64 feet; Thence North 10°39'11" East 33.26 feet; Thence North 88°32'53" West 9.09 feet; Thence North 10°28'06" East 15.02 feet; Thence North 90°00'00" East 9.18 feet; Thence North 10°39'11" East 8.55 Feet to a point on the North line of said Parcel "A"; Thence North 88°41'48" East along said North line 16.92 feet to the Point of Beginning.

I am of the opinion that on the Effective Date, the fee simple title to the above-described Easement Property was vested in:

Names of all Owner(s) of Record:

Rozap, Inc, a Florida corporation by virtue of deed dated August 31, 1979 and recorded September 7, 1979 in Official Records Book 8429, Page 354 of the Public Records of Broward County, Florida.

Subject to the following:

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

List of easements and Rights-of-Way affecting the Easement Property (*if none, state none*).

1. Resolution Adopting Building and Zoning Regulations recorded August 24, 1960 in Official Records Book 2014, Page 829.
2. Right-of-Way Easement in favor of Southern Bell Telephone and Telegraph Company recorded October 3, 1973 in Official Records Book 5468, Page 606.
3. Resolution 92-1167 Relating to Street Lighting recorded July 14, 1992 in Official Records Book 19680, Page 458.
4. Site Lease Agreement dated March 23, 1994, by and between Rozap, Inc., a Florida corporation, as "Lessor", and AT&T Wireless Services of Florida, Inc., a Florida corporation d/b/a AT&T Wireless, as "Lessee", together with all amendments thereto, as evidenced by that certain Memorandum of Lease recorded May 22, 2003 in Official Records Book 35226, Page 481.
5. Tower Lease dated March 24, 1994, by and between Rozap, Inc., a Florida corporation, and Cellular One, as evidenced by that certain Right of Entry and Use Agreement recorded May 25, 2010 in Official Records Book 47106, Page 687.
6. Lease between Rozap, Inc., a Florida corporation, as Lessor, and Raising Cane's Restaurants, L.L.C., a Louisiana limited liability company, as Lessee, as evidenced by Memorandum of Lease recorded April 6, 2022 in Official Records Instrument No. 118059543.
7. Security/Lien Agreement Installation of Required Improvements by and between Broward County, a political subdivision of the State of Florida, and Raising Cane's Restaurants, LLC (developer) and Rozap, Inc. (owner), recorded May 12, 2022 in Official Records Instrument Number 118141433.
8. Plat of Raising Cane's Pompano Beach, recorded in Plat Book 183, Page 540, of the Public Records of Broward County, Florida and Surveyor's

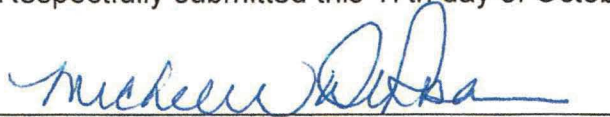
Affidavit Confirming Error on a Recorded Plat recorded June 6, 2023, in Official Records Instrument Number 118900421.

9. Notice and Affidavit of Municipal Lien recorded May 2, 2023, in Official Records Instrument Number 118828618.
10. Notice of Commencement recorded May 10, 2023, in Official Records Instrument Number 118845945.
11. Bill of Sale recorded August 25, 2023, in Official Records Instrument Number 119066141.

All of the foregoing being recorded in the Public Records of Broward County, Florida.

I HEREBY CERTIFY that the foregoing report reflects a comprehensive search of the Public Records of Broward County, Florida, affecting the above-described Easement 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 17th day of October, 2023.



Print Name: Michelle DeRosa
Florida Bar No. 0084867