

1 RESOLUTION NO. 2021-

2 A RESOLUTION OF THE BOARD OF COUNTY
3 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
4 ACCEPTING A ROAD EASEMENT ON, OVER, ACROSS,
5 AND THROUGH A PORTION OF REAL PROPERTY
6 OWNED BY M & R HOMETRUST BUILDERS, LLC., AND
7 LOCATED IN THE BROWARD MUNICIPAL SERVICES
8 DISTRICT, FLORIDA; AND PROVIDING FOR
9 SEVERABILITY AND AN EFFECTIVE DATE.

10 WHEREAS, M & R Hometruster Builders, LLC., a Florida limited liability company, is
11 the owner of certain real property located in the Broward Municipal Services District
12 ("Property"), which Property is more particularly described in the legal description and
13 sketch made subject to the Road Easement, which is attached hereto and made a part
14 hereof as Attachment 1 ("Road Easement");

15 WHEREAS, M & R Hometruster Builders, LLC., is willing to grant the Road Easement
16 to Broward County, Florida ("County"), in accordance with the terms of the
17 Road Easement; and

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

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

23 Section 1. The recitals set forth in the preamble to this Resolution are true,
24 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 Attachment 1.

3 Section 3. The Road Easement shall be properly recorded in the
4 Official 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
7 invalid portion will be stricken, and such striking will not affect the validity of the remainder
8 of this Resolution. If any court determines that this Resolution, in whole or in part, cannot
9 be 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 , 2021.

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

18 By: /s/ Claudia Capdesuner 03/18/2021
19 Claudia Capdesuner (date)
20 Assistant County Attorney

21 By: /s/ Annika E. Ashton 03/18/2021
22 Annika E. Ashton (date)
Deputy County Attorney

23 CC/mdw
03/18/2021
24 Road Easement from M & R Hometrust Builders, LLC
#559425v1

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

Attachment 1

Prepared by: MARCO OLIVIERI
Name: MARCO OLIVIERI
Address: 2946 NW 10 COURT, UNINCORPORATED, 33311

Folio Number: 494232060660

ROAD EASEMENT

This Easement is given this 16 day of JANUARY, 2021, by M & R HOMETRUST BUILDERS LLC, a FLORIDA LLC ("Grantor") whose principal place of business is 942 LAVANDER CIR, WESTON, FL 33327, 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, successors, and assigns).

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 public road and other appropriate purposes incidental thereto ("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, the sum of one dollar (\$1.00), and other good and valuable consideration, the sufficiency of which is hereby acknowledged, Grantor does hereby declares as follows:

1. The recitals set forth above are true and accurate, and fully incorporated by this 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 Easement shall be placed in the Easement Area without Grantee's prior consent.
4. 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.
5. 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.
6. Grantee, at its own expense, shall record this fully executed Easement in its entirety in the Official Records of Broward County, Florida.

[Signature Pages on the Following Page]

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:

Deisel Batista
Signature

DEISEL BATISTA
Print Name of Witness

Witness #2

Michael Levinson
Signature

MICHAEL LEVINSON
Print Name of Witness

Witness #3:

Nicholas Batista
Signature

NICHOLAS BATISTA
Print Name of Witness

Witness #4

Signature

Print Name of Witness

By Marco Oliveri

Signature
MARCO OLIVIERI
Marco Antonio Oliveri
Print Name

Owner
Title

16 day of JANUARY, 2021

By _____
Signature

Print Name

Title

____ day of _____, 20__

[Acknowledgment on the next page]

ACKNOWLEDGMENT

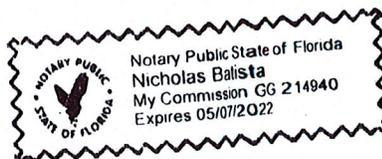
STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing Instrument was acknowledged before me, by means of physical presence or [] online notarization, this 16 day of January, 2021, by MARCO OLIVIERI, on behalf of M&R HOMETRUST BUILDERS LLC, a FLORIDA, LIMITED LIABILITY COMPANY, who is personally known to me or [] who has produced _____ as identification.

Notary Public:
Signature: Nicholas Batista
Print Name: NICHOLAS BATISTA

State of Florida
My Commission Expires: 05/07/22
Commission Number: GG 214940

(Notary Seal)



**EXHIBIT A
EASEMENT**

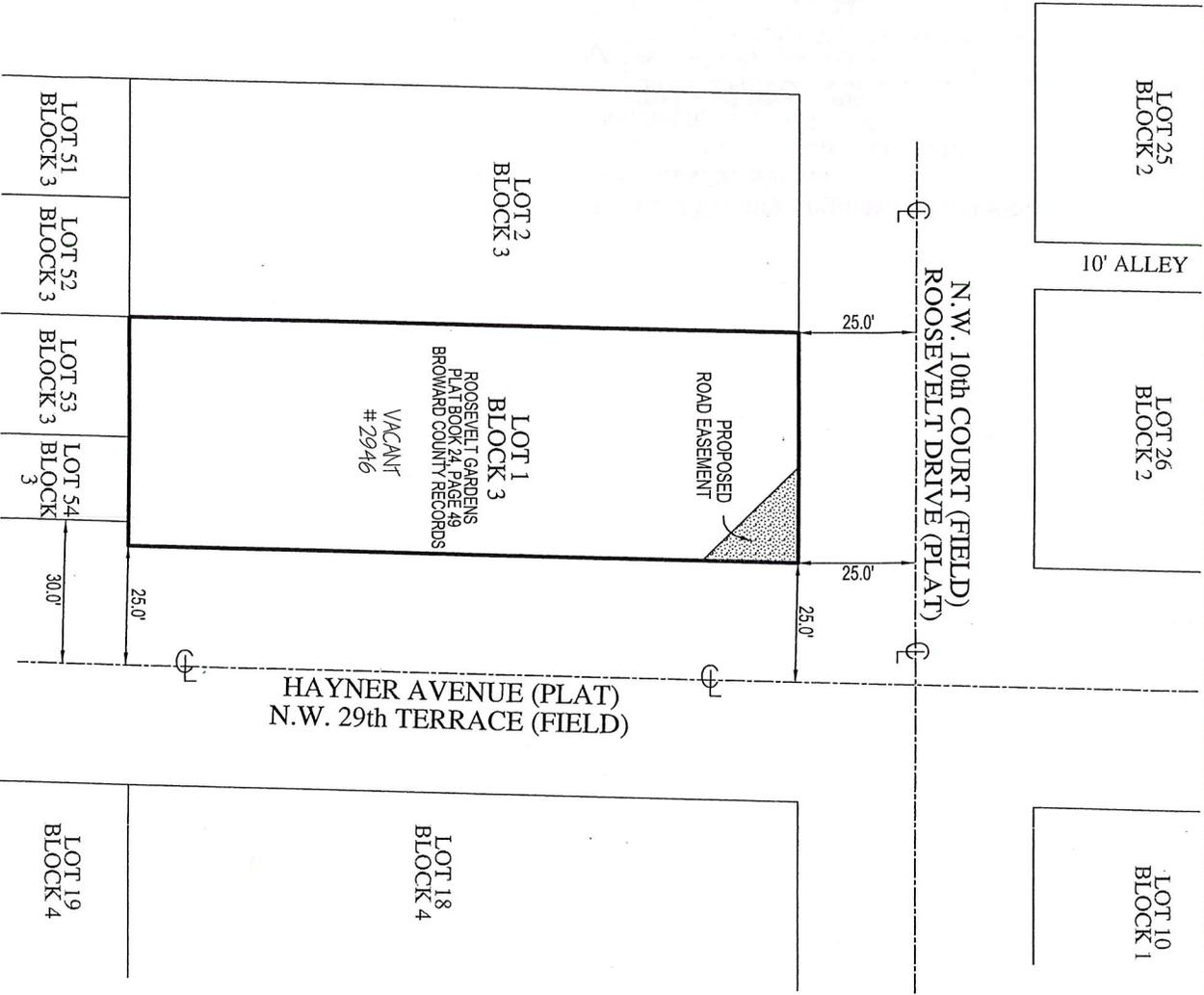


EXHIBIT "A" (ROAD EASEMENT)

LOCATION MAP

- ABBREVIATION DESCRIPTION**
- I.D. IDENTIFICATION
 - LB LICENSED BUSINESS
 - O.R.B. OFFICIAL RECORDS BOOK
 - P.B. PLAT BOOK
 - PG. PAGE
 - PSM PROFESSIONAL SURVEYOR MAPPER
 - RW RIGHT OF WAY
 - CL CENTERLINE

- REVISIONS:**
1. REVISED PER CLIENT'S REQUEST: 02-09-2021

THIS DRAWING IS NOT FULL AND COMPLETE
WITHOUT ALL ITS ACCOMPANYING PAGES

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION, NOT VALID WITHOUT A RAISED EMBOSSED SEAL AND SIGNATURE.

(SIGNED)

KENNETH J. OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
www.compassurveying.net

COMPASS SURVEYING

LB. 7463 PHONE: 561.640.4800 FAX: 561.640.0576

Project: C-200049
Date: 12-01-2020
Scale: 1" = 40.00'

1 of 2

EXHIBIT "A"
2946 NW. 10th COURT
FT. LAUDERDALE, FL 33311
PREPARED FOR
MARCO OLMIERI



ABBREVIATION DESCRIPTION
 I.D. IDENTIFICATION
 L.B. LICENSED BUSINESS
 P.S.M. PROFESSIONAL SURVEYOR MAPPER
 R.W. RIGHT OF WAY
 C CENTERLINE

CORNER ANGLE DATA
 (A) 91°10'55"
 (B) 89°41'14"
 (C) 91°18'46"
 (D) 88°49'05"

THIS DRAWING IS NOT FULL AND COMPLETE
 WITHOUT ALL ITS ACCOMPANYING PAGES

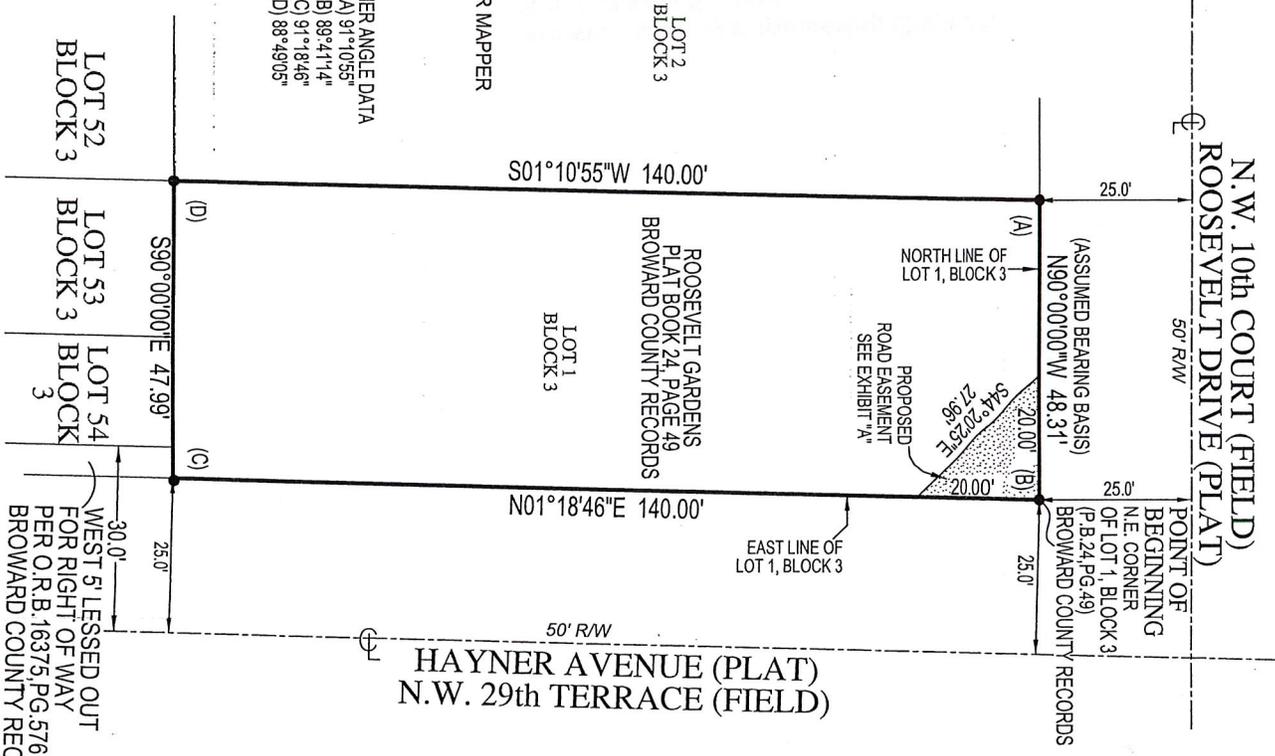


EXHIBIT "A" (ROAD EASEMENT)
 LOT 1, BLOCK 3

LEGAL DESCRIPTION:
 A PORTION OF LOT 1, BLOCK 3; ROOSEVELT GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 24, PAGE 49, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 3; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 1, NORTH 90°00'00" WEST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 44°20'28" EAST, A DISTANCE OF 27.96 FEET TO THE EAST LINE OF SAID LOT 1; THENCE NORTH 01°18'46" EAST, ALONG THE EAST LINE OF LOT 1, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL, 200 SQUARE FEET.

- NOTES:**
1. NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE
 2. NO SUBSURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY
 3. ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED
 4. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTHERLY PROPERTY LINE, ASSUMED TO BEAR N90°00'00"W.

SURVEYORS CERTIFICATE:
 I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION; NOT VALID WITHOUT A RAISED, EMBOSSED SEAL AND SIGNATURE.

(SIGNED) 
 KENNETH J. OSBORNE
 PROFESSIONAL SURVEYOR AND MAPPER #6415

6250 N. MILITARY TRAIL, SUITE 102
 WEST PALM BEACH, FL 33407
 www.compassurveying.net

COMPASS SURVEYING

LB. 7463 PHONE: 561.640.4800 FAX: 561.640.0576

Project	C-20049
Date	11-05-2020
Scale	1" = 20'
Sheet	2 of 2

EXHIBIT "A"
 2946 NW, 10th COURT
 FT. LAUDERDALE, FL 33311
 PREPARED FOR
 MARCO OLMIERI