

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 FR LYONS ROAD, LLC, AND LOCATED IN THE
7 CITY OF COCONUT CREEK, FLORIDA; AND PROVIDING
8 FOR SEVERABILITY AND AN EFFECTIVE DATE.

9 WHEREAS, FR Lyons Road, LLC, a Delaware limited liability company, is the
10 owner of certain real property located in the City of Coconut Creek (“Property”), which
11 Property is more particularly described in the legal description and sketch made subject
12 to the Road Easement, which is attached hereto and made a part hereof as
13 Attachment 1 (“Road Easement”);

14 WHEREAS, FR Lyons Road, LLC, is willing to grant the Road Easement to
15 Broward County, Florida (“County”), in accordance with the terms of the Road Easement;
16 and

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

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

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

24 Section 2. The Board hereby accepts the Road Easement attached as
Attachment 1.

Return to:
Frank Gulliano
Highway Construction and
Engineering Division
1 N University Drive, Suite 300
Plantation, Florida 33324

Attachment 1

Prepared by:
Annika E. Ashton
Office of County Attorney
115 South Andrews Avenue, Suite 423
Fort Lauderdale, Florida 33301

Folio Number: 4842 06 28 0021

ROAD EASEMENT

This Easement is given this 28th day of MAY, 2021, by FR LYONS ROAD, LLC, a Delaware limited liability company, ("Grantor") whose principal place of business is 1 North Wacker Drive, #4200, Chicago, IL 60606, 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 is made upon and subject to all easements of record, restrictions and conditions of record, and easements or restrictions visible upon the Property.
5. Grantor is granting the Easement and Food for the Poor, Inc., the adjacent property owner, is granting to Grantee a roadway easement on property adjacent to the Easement Area ("Adjacent Easement Area"), which Adjacent Easement Area is more particularly described in **Exhibit B** attached hereto and made a part hereof, for the benefit of Grantor's Property. Grantor acknowledges that a six-foot easement in favor of Florida Power and Light, which is the same easement recorded at Book 1971, Page 72 in the Official Record of Broward County, Florida ("FPL Easement"), encumbers a portion of the Easement Area and the Adjacent Easement Area, as described in **Exhibit A and Exhibit B**. Grantor and Grantee intend that Grantor shall bear any cost that Grantee may incur as a result of any disturbance to the Easement Area or the Adjacent Easement Area caused by the exercise of the FPL Easement. Accordingly, Grantor shall, no later than thirty (30) days after receipt of an invoice from Grantee, reimburse Grantee for any restoration, repairs or new construction in the Easement Area or Adjacent Easement Area required as a result of any exercise of rights under the FPL Easement in the Easement Area or the Adjacent Easement Area.
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. 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]

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing Instrument was acknowledged before me, by means of physical presence or online notarization, this 28 day of May, 2021, by CHRIS WILSON, on behalf of PEYONS ROAD LLC, a _____, who is personally known to me or who has produced _____ as identification.

Notary Public:
Signature: [Signature]
Print Name: _____

State of Florida
My Commission Expires: _____
Commission Number: _____



ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing Instrument was acknowledged before me, by means of physical presence or online notarization, this ____ day of _____, 20____, by _____, on behalf of _____, a _____, who is personally known to me or who has produced _____ as identification.

Notary Public:
Signature: _____
Print Name: _____

State of Florida
My Commission Expires: _____
Commission Number: _____

(Notary Seal)

EXHIBIT "A"

DESCRIPTION:

A PORTION OF TRACT "GB-1", SPRINGS – MCKENZIE PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 165, PAGE 7 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT "GB-1"; THENCE ALONG THE EAST LINE OF SAID TRACT "GB-1", SOUTH 00°24'54" EAST A DISTANCE OF 244.50 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THAT CERTAIN WARRANTY DEED RECORDED IN INSTRUMENT NUMBER 116166642 OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST LINE, SOUTH 00°24'54" EAST A DISTANCE OF 94.57; THENCE SOUTH 89°35'06" WEST A DISTANCE OF 12.00 FEET; THENCE NORTH 00°24'54" WEST A DISTANCE OF 78.48 FEET; THENCE NORTH 89°35'06" EAST A DISTANCE OF 2.25 FEET; THENCE NORTH 00°24'54" WEST A DISTANCE OF 1.90 FEET; THENCE SOUTH 89°35'06" WEST A DISTANCE OF 2.25 FEET; THENCE NORTH 00°24'54" WEST A DISTANCE OF 14.28 FEET TO AN INTERSECTION WITH THE AFOREMENTIONED NORTH LINE; THENCE ALONG SAID NORTH LINE, NORTH 90°00'00" EAST A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN THE CITY OF COCONUT CREEK, BROWARD COUNTY, FLORIDA, AND CONTAINING 1,131 SQUARE FEET (0.026 ACRE), MORE OR LESS.

NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT AN ORIGINAL SIGNATURE AND SEALED WITH A SURVEYOR'S SEAL.
2. SURVEY MAPS OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL SEAL, OR DIGITALLY SIGNED, BY A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR AND MAPPER.
3. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
4. LANDS SHOWN HEREON WERE NOT ABSTRACTED, BY THE SURVEYOR, FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
5. THE "DESCRIPTION" SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
6. DATA SHOWN HEREON WAS COMPILED FROM INSTRUMENTS RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
7. BEARINGS SHOWN HEREON ARE REFERENCED TO THE SPRINGS-MCKENZIE PLAT, RECORDED IN PLAT BOOK 165, PAGE 7, BROWARD COUNTY PUBLIC RECORDS. THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD IS SHOWN TO BEAR SOUTH 00°24'54" EAST.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON AUGUST 2, 2021. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES CHAPTER 472.027.

THIS IS NOT A SURVEY

SHEET 1 OF 3



CAULFIELD & WHEELER, INC.

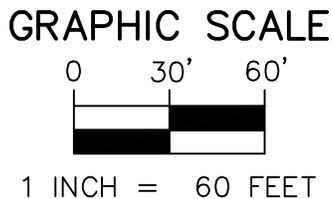
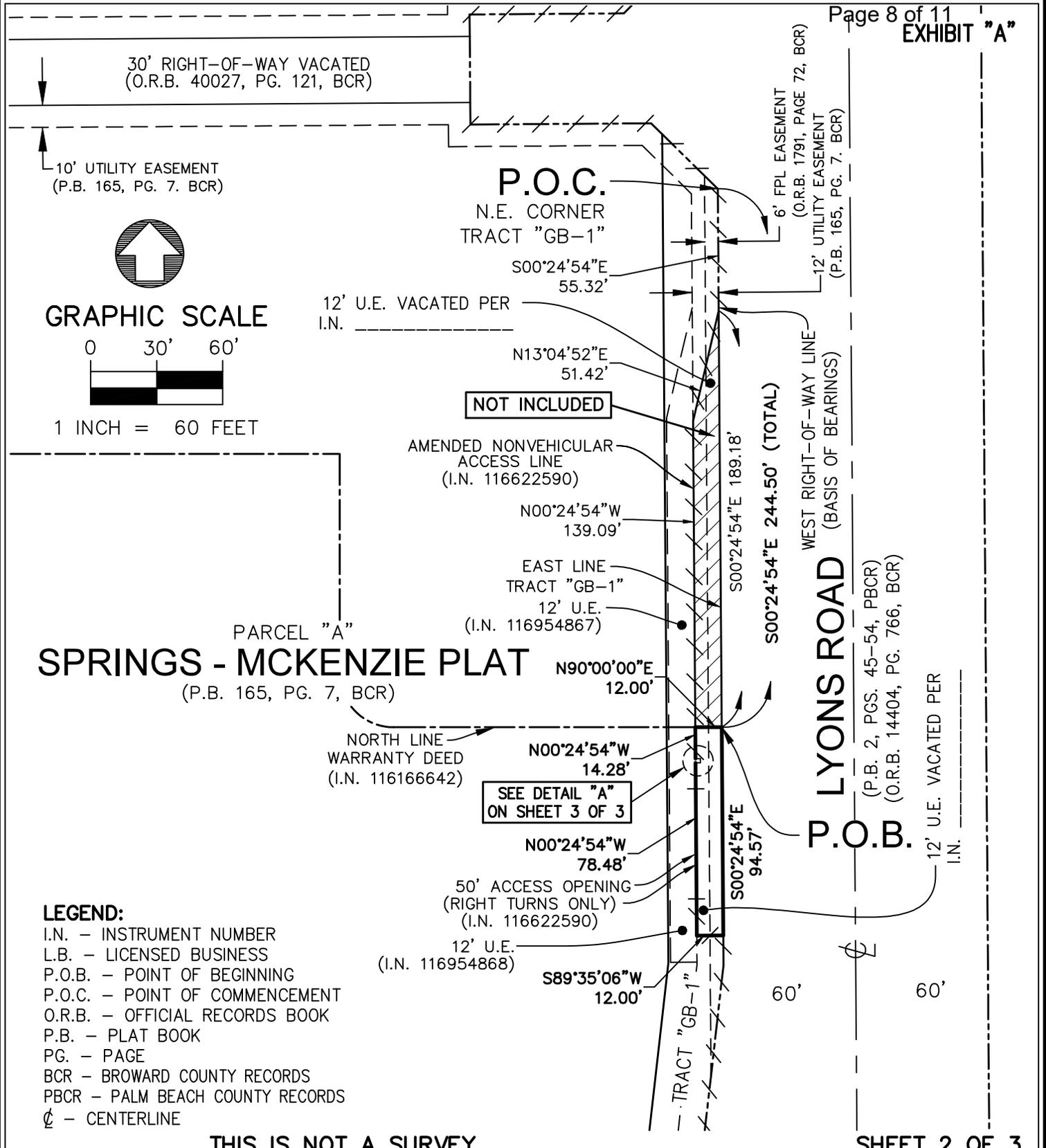
CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE – SURVEYING
 7900 GLADES ROAD – SUITE 100
 BOCA RATON, FLORIDA 33434
 PHONE (561)-392-1991 / FAX (561)-750-1452

David E. Rohal, P.S.M.
Digitally signed by David E. Rohal, P.S.M.
 DN: c=US, st=FL, l=Boca Raton, o=Caulfield & Wheeler, Inc., ou=Survey, cn=David E. Rohal, P.S.M., email=drohral@cwiassoc.com
 Date: 2021.08.03 08:33:11 -04'00'

DAVID E. ROHAL
 REGISTERED LAND
 SURVEYOR NO. 4315
 STATE OF FLORIDA
 L.B. 3591

DATE	8-2-21
DRAWN BY	der
F.B./ PG.	NONE
SCALE	NONE
JOB NO.	8281

SPRINGS – MCKENZIE PLAT
 ROAD EASEMENT (SOUTH PORTION)
 SKETCH AND DESCRIPTION

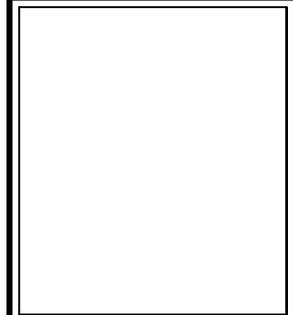


- LEGEND:**
- I.N. - INSTRUMENT NUMBER
 - L.B. - LICENSED BUSINESS
 - P.O.B. - POINT OF BEGINNING
 - P.O.C. - POINT OF COMMENCEMENT
 - O.R.B. - OFFICIAL RECORDS BOOK
 - P.B. - PLAT BOOK
 - PG. - PAGE
 - BCR - BROWARD COUNTY RECORDS
 - PBCR - PALM BEACH COUNTY RECORDS
 - ⊕ - CENTERLINE

THIS IS NOT A SURVEY

SHEET 2 OF 3

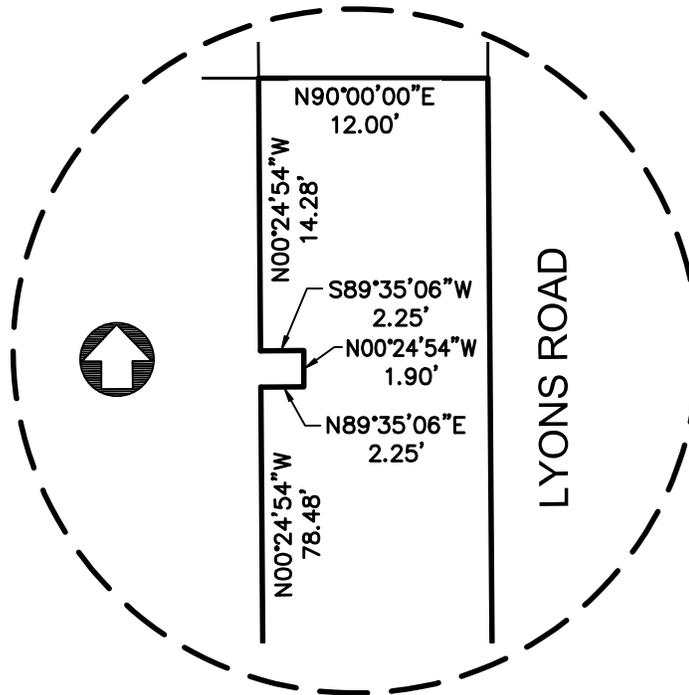
CAULFIELD & WHEELER, INC.
 CIVIL ENGINEERING
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 7900 GLADES ROAD - SUITE 100
 BOCA RATON, FLORIDA 33434
 PHONE (561)-392-1991 / FAX (561)-750-1452



DATE	8-2-21
DRAWN BY	der
F.B./ PG.	NONE
SCALE	AS SHOWN
JOB NO.	8281

**SPRINGS - MCKENZIE PLAT
 ROAD EASEMENT (SOUTH PORTION)
 SKETCH AND DESCRIPTION**

EXHIBIT "A"



DETAIL "A"

1 INCH = 10 FEET

THIS IS NOT A SURVEY

SHEET 3 OF 3



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CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE – SURVEYING
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 BOCA RATON, FLORIDA 33434
 PHONE (561)–392–1991 / FAX (561)–750–1452

**SPRINGS – MCKENZIE PLAT
 ROAD EASEMENT (SOUTH PORTION)
 SKETCH AND DESCRIPTION**

DATE	8-2-21
DRAWN BY	der
F.B./ PG.	NONE
SCALE	AS SHOWN
JOB NO.	8281

EXHIBIT "B"**DESCRIPTION:**

A PORTION OF TRACT "GB-1", SPRINGS – MCKENZIE PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 165, PAGE 7 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT "GB-1"; THENCE ALONG THE EAST LINE OF SAID TRACT "GB-1", SOUTH 00°24'54" EAST A DISTANCE OF 55.32 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST LINE, SOUTH 00°24'54" EAST A DISTANCE OF 189.18 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE LANDS DESCRIBED IN THAT CERTAIN WARRANTY DEED RECORDED IN INSTRUMENT NUMBER 116166642 OF SAID PUBLIC RECORDS; THENCE ALONG SAID NORTH LINE, SOUTH 90°00'00" WEST A DISTANCE OF 12.00 FEET; THENCE NORTH 00°24'54" WEST A DISTANCE OF 139.09 FEET; THENCE NORTH 13°04'52" EAST A DISTANCE OF 51.42 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN THE CITY OF COCONUT CREEK, BROWARD COUNTY, FLORIDA, AND CONTAINING 1,970 SQUARE FEET (0.0452 ACRE), MORE OR LESS.

NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT AN ORIGINAL SIGNATURE AND SEALED WITH A SURVEYOR'S SEAL.
2. SURVEY MAPS OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL SEAL, OR DIGITALLY SIGNED, BY A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR AND MAPPER.
3. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
4. LANDS SHOWN HEREON WERE NOT ABSTRACTED, BY THE SURVEYOR, FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
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CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON AUGUST 2, 2021. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES CHAPTER 472.027.

THIS IS NOT A SURVEY**SHEET 1 OF 2****CAULFIELD & WHEELER, INC.**

CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE – SURVEYING
 7900 GLADES ROAD – SUITE 100
 BOCA RATON, FLORIDA 33434
 PHONE (561)-392-1991 / FAX (561)-750-1452

David E. Rohal, P.S.M.
Digitally signed by David E. Rohal, P.S.M.
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 Date: 2021.08.03 08:31:45 -0400

DAVID E. ROHAL
 REGISTERED LAND
 SURVEYOR NO. 4315
 STATE OF FLORIDA
 L.B. 3591

DATE	8-2-21
DRAWN BY	der
F.B./ PG.	NONE
SCALE	NONE
JOB NO.	8281

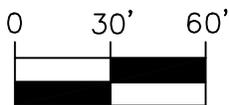
**SPRINGS – MCKENZIE PLAT
 ROAD EASEMENT (NORTH PORTION)
 SKETCH AND DESCRIPTION**

30' RIGHT-OF-WAY VACATED
(O.R.B. 40027, PG. 121, BCR)

10' UTILITY EASEMENT
(P.B. 165, PG. 7. BCR)



GRAPHIC SCALE



1 INCH = 60 FEET

P.O.C.
N.E. CORNER
TRACT "GB-1"

S00°24'54"E
55.32'

N13°04'52"E
51.42'

12' U.E.
(I.N. 116954867)

AMENDED NONVEHICULAR
ACCESS LINE
(I.N. 116622590)

N00°24'54"W
139.09'

EAST LINE
TRACT "GB-1"

S90°00'00"W
12.00'

NORTH LINE
WARRANTY DEED
(I.N. 116166642)

N00°24'54"W
14.28'

1.9'x2.25'
NOTCH-OUT

N00°24'54"W
78.48'

50' ACCESS OPENING
(RIGHT TURNS ONLY)
(I.N. 116622590)

12' U.E.
(I.N. 116954868)

S89°35'06"W
12.00'

6' FPL EASEMENT
(O.R.B. 1791, PAGE 72. BCR)
12' UTILITY EASEMENT
(P.B. 165, PG. 7. BCR)

P.O.B.

12' U.E. VACATED PER
I.N.

PARCEL "A"

SPRINGS - MCKENZIE PLAT

(P.B. 165, PG. 7, BCR)

S00°24'54"E 189.18'

WEST RIGHT-OF-WAY LINE
(BASIS OF BEARINGS)

LYONS ROAD

(P.B. 2, PGS. 45-54, PBCR)
(O.R.B. 14404, PG. 766, BCR)

NOT INCLUDED

12' U.E. VACATED PER
I.N.

LEGEND:

- I.N. - INSTRUMENT NUMBER
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SHEET 2 OF 2



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 PHONE (561)-392-1991 / FAX (561)-750-1452

SPRINGS - MCKENZIE PLAT
 ROAD EASEMENT (NORTH PORTION)
 SKETCH AND DESCRIPTION

DATE	8-2-21
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