

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

6
7 WHEREAS, Ft. Lauderdale Hospitality, Inc., a Florida corporation (“Grantor”), is
8 the owner of certain property located in the City of Dania Beach, Florida (“Property”),
9 which Property is more particularly described in the legal description and sketch made
10 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.

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:
Claudia Capdesuner
Assistant County Attorney

Folio Number: 504220640010

EASEMENT

This Easement, is made this 2nd day of September, 2021 ("Effective Date"), by Ft. Lauderdale Hospitality, Inc., a Florida corporation ("Grantor") whose address is 2460 West State Road 84, Dania Beach, FL 33312, 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

Ft. Lauderdale Hospitality, Inc

Walter Francisco
Print Name of Witness

A Florida corporation

Witness #2

[Signature]
Signature

By [Signature]
Signature

Hanif Khimani
Print Name

Felix Imperia
Print Name of Witness

President
Title

2 day of Sept, 2021

ACKNOWLEDGMENT

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

STATE OF FLORIDA
COUNTY OF BROWARD

By: Christina A. Price Digitally signed by Christina A. Price
Date: 2024.05.03 10:40:26 -0400'
Christina A. Price
Assistant County Attorney

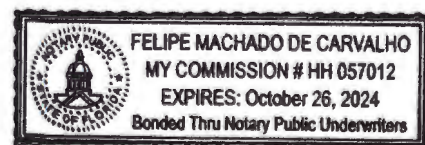
The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 2nd day of September, 2021, by Hanif Khimani the President on behalf of Ft. Lauderdale Hospitality, Inc., a Florida corporation, who is personally known to me or who has produced _____ as identification.

Notary Public:

[Signature]
Signature: 9/2/2021
Print Name:

State of Florida
My Commission Expires: 10/26/24
Commission Number: HH 057012

(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



**UTILITY EASEMENT
AT "DANIA 84 HOSPITALITY"**

LEGAL DESCRIPTION:

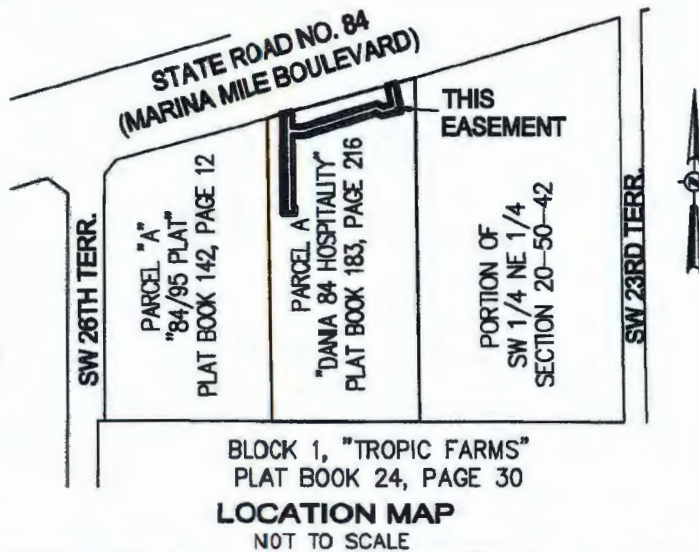
A PORTION OF PARCEL A, "DANIA 84 HOSPITALITY", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 183, PAGE 216, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL A; THENCE SOUTH 74°40'19" WEST, ALONG THE NORTH LINE OF SAID PARCEL A, 44.18 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 11°48'28" EAST 65.19 FEET; THENCE SOUTH 78°11'32" WEST 45.89 FEET; THENCE NORTH 62°04'58" WEST 12.82 FEET; THENCE SOUTH 72°55'02" WEST 170.12 FEET; THENCE NORTH 90°00'00" WEST 24.83 FEET; THENCE SOUTH 00°56'11" EAST 108.02 FEET; THENCE SOUTH 00°32'03" EAST 49.50 FEET; THENCE NORTH 89°27'57" EAST 5.95 FEET; THENCE SOUTH 00°00'27" WEST 15.00 FEET; THENCE SOUTH 89°27'57" WEST 25.81 FEET; THENCE NORTH 00°32'03" WEST 64.43 FEET; THENCE NORTH 00°56'11" WEST 125.79 FEET; THENCE NORTH 00°00'01" EAST 23.34 FEET; THENCE NORTH 22°30'00" WEST 7.41 FEET; THENCE NORTH 74°40'19" EAST, ALONG SAID NORTH LINE OF PARCEL A, 20.16 FEET; THENCE SOUTH 22°30'00" EAST 8.87 FEET; THENCE SOUTH 00°00'01" WEST 24.82 FEET; THENCE SOUTH 90°00'00" EAST 22.12 FEET; THENCE NORTH 72°55'02" EAST 175.40 FEET; THENCE SOUTH 62°04'58" EAST 13.88 FEET; THENCE NORTH 78°11'32" EAST 18.67 FEET; THENCE NORTH 11°48'28" WEST 43.96 FEET; THENCE NORTH 74°40'19" EAST, ALONG SAID NORTH LINE, 20.04 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN THE CITY OF DANIA BEACH, BROWARD COUNTY, FLORIDA, AND CONTAINING 10,489 SQUARE FEET, MORE OR LESS.

NOTES:

1. BEARINGS ARE BASED ON AN ASSUMED MERIDIAN WITH THE NORTH LINE OF SAID PARCEL A BEING N74°40'19"E.
2. THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. ALL RECORDED DOCUMENTS ARE PER THE PUBLIC RECORDS OF BROWARD COUNTY, UNLESS OTHERWISE NOTED.



FILE: COASTAL CHOICE CONSTRUCTION

SCALE: N/A

DRAWN: DCW

ORDER NO.: 67769

DATE: 11/3/20

BCWWS WATER EASEMENT (WEST)

DANIA BEACH, BROWARD COUNTY, FL

FOR: RED CARPET INN

SHEET 1 OF 2

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

- [Signature]*
- JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
 - BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
 - 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.

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SUNRISE, FLORIDA 33351

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

CERTIFICATE OF AUTHORIZATION LB#3870

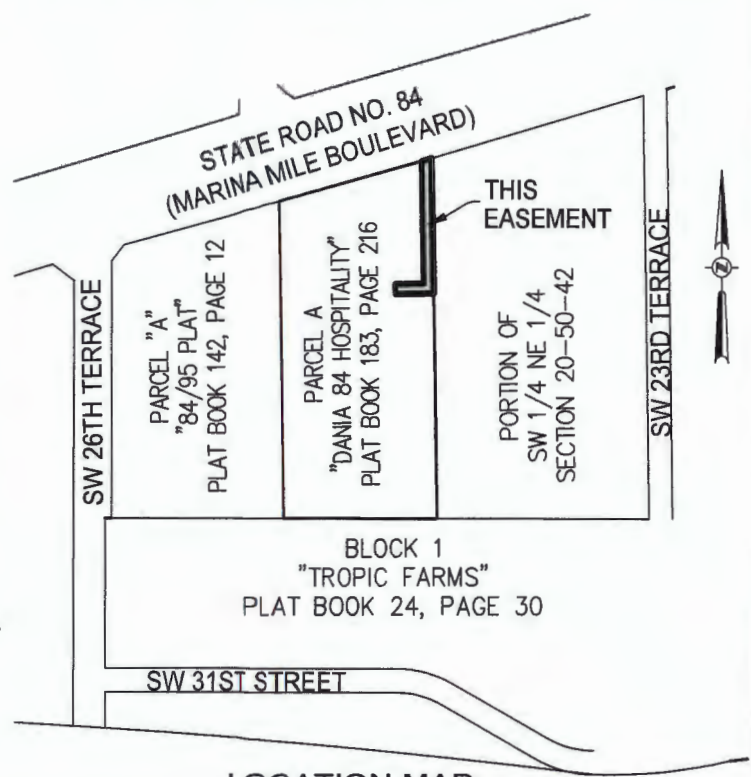
**UTILITY EASEMENT
AT "DANIA 84 HOSPITALITY"**

LEGAL DESCRIPTION:

A PORTION OF PARCEL A, "DANIA 84 HOSPITALITY", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 183, PAGE 216, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL A; THENCE SOUTH 00°50'28" EAST, ALONG THE EAST LINE OF SAID PARCEL A, 274.06 FEET; THENCE SOUTH 89°20'29" WEST 78.83 FEET; THENCE NORTH 00°39'31" WEST 20.00 FEET; THENCE NORTH 89°20'29" EAST 58.77 FEET; THENCE NORTH 00°50'28" WEST, ALONG A LINE 20 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF PARCEL A, 248.83 FEET; THENCE NORTH 74°40'19" EAST, ALONG THE NORTH LINE OF SAID PARCEL A, 20.66 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN THE CITY OF DANIA BEACH, BROWARD COUNTY, FLORIDA, AND CONTAINING 6,605 SQUARE FEET, MORE OR LESS



NOTES:

1. BEARINGS ARE BASED ON AN ASSUMED MERIDIAN WITH THE NORTH LINE OF SAID PARCEL A BEING N74°40'19"E.
2. THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. ALL RECORDED DOCUMENTS ARE PER THE PUBLIC RECORDS OF BROWARD COUNTY, UNLESS OTHERWISE NOTED.

LOCATION MAP
NOT TO SCALE

FILE: COASTAL CHOICE CONSTRUCTION

SCALE: N/A

DRAWN: DCW

ORDER NO.: 67769

DATE: 11/3/20

BCWWS WATER EASEMENT (EAST)

DANIA BEACH, BROWARD COUNTY, FL

FOR: RED CARPET INN

SHEET 1 OF 2

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

- JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
 - BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
 - VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
 - DONNA C. WEST, PROFESSIONAL SURVEYOR AND MAPPER LS4290
- STATE OF FLORIDA



SKETCH AND LEGAL DESCRIPTION

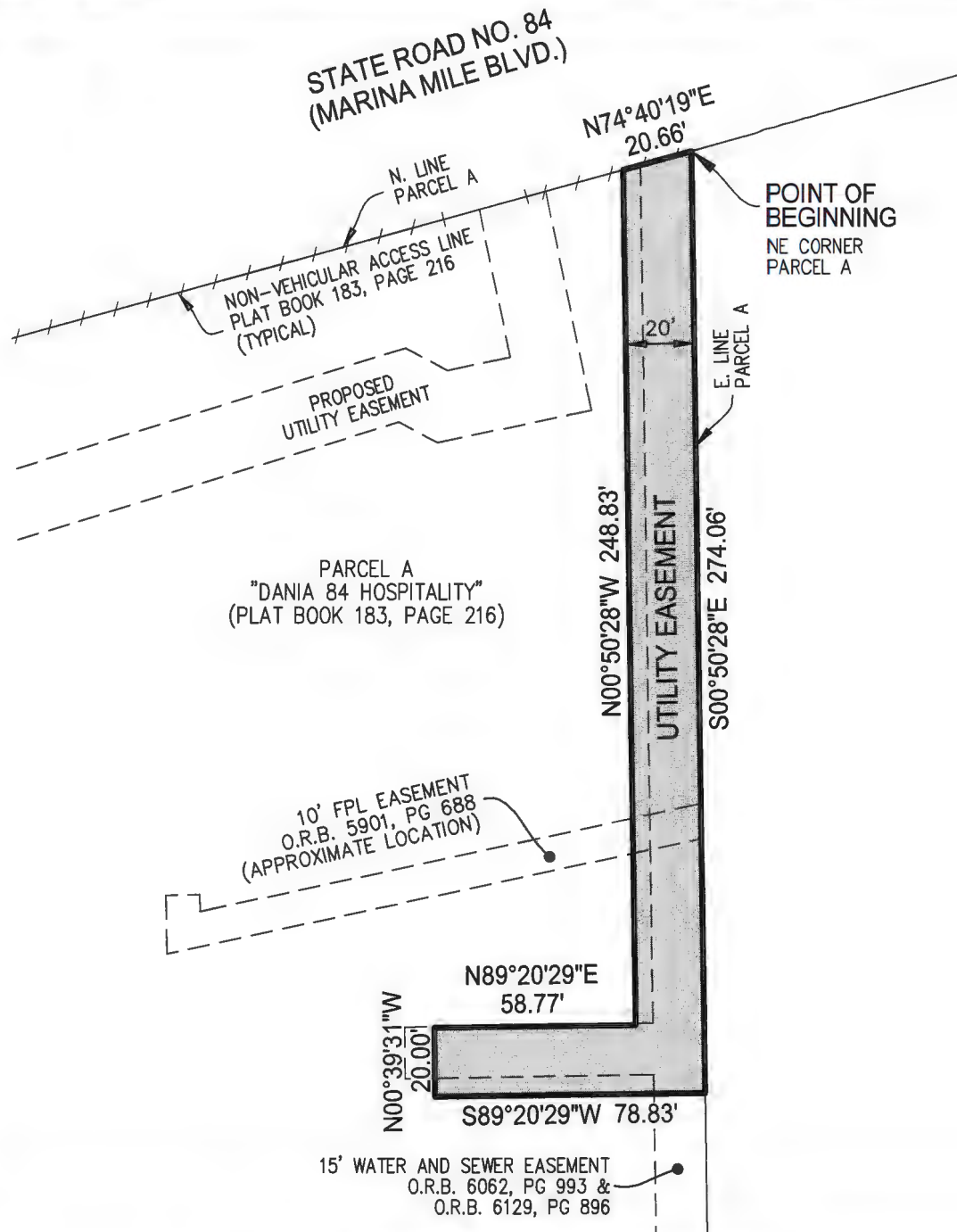
BY

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

CERTIFICATE OF AUTHORIZATION LB#3870



FILE: COASTAL CHOICE CONSTRUCTION

SCALE: 1"=50'

DRAWN: DCW

ORDER NO.: 67769

DATE: 11/3/20

BCWWS WATER EASEMENT (EAST)

DANIA BEACH, BROWARD COUNTY, FL

FOR: RED CARPET INN

SHEET 2 OF 2

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

LEGEND:

O.R.B. = OFFICIAL RECORDS BOOK
PG = PAGE



**DUNAY
MISKEL
BACKMAN** LLP

Gary Dunay
Bonnie Miskel
Scott Backman
Eric Coffman

Hope Calhoun
Dwayne Dickerson
Ele Zachariades
Christina Bilenki

David F. Milledge
Sara Thompson
Jeffrey Schneider

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 an easement covering a portion of 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 from the Earliest Public Records to the 16th day of October, 2023, at the hour of 8:00 a.m., inclusive, of the following described property:

Legal Description: See attached Exhibit A.

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

I am of the opinion that on the last mentioned dated, the fee simple title to the above-described real property was vested in:

Names of all Owner(s) of Record:

FT. LAUDERDALE HOSPITALITY, INC. pursuant to Special Warranty Deed as recorded January 12, 1993 in Official Records Book 20268, Page 359, Public Records of Broward County, Florida.

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 partner(s) or trustee(s) who are required to execute the plat dedication.

1. Security/Lien Agreement, Installation of Required Improvements, in favor of Broward County as recorded September 27, 2018 in Instrument No. 115349370, Public Records of Broward County, Florida.

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. Broward County Resolutions as recorded in Official Records Book 1139, Page 246 and in Official Records Book 1139, Page 255, all in the Public Records of Broward County, Florida.
2. Easement in favor of Broward County, Florida, as recorded in Official Records Book 5351, Page 842, Public Records of Broward County, Florida.
3. Easement in favor of FPL Easement as recorded in Official Records Book 5901, Page 688, Public Records of Broward County, Florida.
4. Easement in favor of Broward County, Florida as recorded in Official Records Book 6062, Page 993, Public Records of Broward County, Florida.
5. Easement in favor of Broward County, Florida as recorded in Official Records Book 6129, Page 896, Public Records of Broward County, Florida.
6. Terms and Provisions of Resolution as referenced in Deed recorded March 11, 2016 in Instrument No. 113565447, Public Records of Broward County, Florida.
7. Matters as shown in Plat of Dania 84 Hospitality as recorded in Plat Book 183 Page 216, Public Records of Broward County, Florida.
8. Bill of Sale as recorded August 25, 2023 in Instrument No. 119066139, Public Records of Broward County, Florida.
9. Easement as may be contained in Deed in favor of Broward County, Florida, as recorded in Official Records Book 5351, Page 649; as affected by Quit Claim Deed as recorded in Instrument No. 113565447, all in the Public Records of Broward County, Florida.

[Signature Page to Follow]

I HEREBY CERTIFY that the foregoing report reflects 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 22nd day of November, 2023.

Eric Coffman

Eric Coffman, Esq.
FloridaBar No. 730467

EXHIBIT A

THAT PART OF THE WEST 1/2 OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 50 SOUTH, RANGE 42 EAST, LYING SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 84, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL "A," "84/95 PLAT," ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 142, PAGE 12, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID POINT OF BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 84 (MARINA MILE BOULEVARD) AS SHOWN ON THE STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP SECTION NO. 86080-2104, SHEET 2 OF 21; THENCE NORTH 74°40'19" EAST ON SAID RIGHT-OF-WAY LINE 342.96 FEET TO THE INTERSECTION WITH THE EAST LINE OF THE WEST 1/2 OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 20; THENCE SOUTH 00°50'28" EAST ON SAID EAST LINE 761.33 FEET TO THE INTERSECTION WITH THE NORTH LINE OF BLOCK 1, "TROPIC FARMS," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 24, PAGE 30, OF SAID PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, ALSO BEING THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 20; THENCE NORTH 89°55'28" WEST ON SAID NORTH LINE OF BLOCK 1 AND SAID SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 20; FOR 331.56 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 20, TOWNSHIP 50 SOUTH, RANGE 42 EAST, SAID POINT BEING THE SOUTHEAST CORNER OF AFOREMENTIONED PARCEL "A," "84/95 PLAT"; THENCE NORTH 00°53'15" WEST ON SAID WEST LINE, ALSO BEING THE EAST LINE OF SAID PARCEL "A," "84/95 PLAT" FOR 670.23 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.