

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 IN, OVER, UNDER, THROUGH, UPON, AND
4 ACROSS REAL PROPERTY LOCATED IN THE CITY OF LIGHTHOUSE POINT,
5 FLORIDA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

6

7 WHEREAS, City of Lighthouse Point, a Florida municipal corporation ("Grantor"),
8 is the owner of certain property located in the City of Lighthouse Point, 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 in, over, under, through, upon, and across the
13 Property for water mains, wastewater force mains, reclaimed water mains, and/or any
14 other water and wastewater installations that may be required for purposes of providing
15 water supply service for domestic or other uses and for the collection of domestic or other
16 kinds of wastewater to and from the Property and other parcels of real property that may
17 or may not abut and be contiguous to the Property ("Easement");

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

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

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

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

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

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

31 Section 4. Severability.

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

38 | Section 5. Effective Date.

39 | This Resolution is effective upon adoption.

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

By: /s/ Christina A. Price 02/15/2024
Christina A. Price (date)
Assistant County Attorney

By: /s/ Annika E. Ashton 02/15/2024
Annika E. Ashton (date)
Deputy County Attorney

CAP/sr
Resolution Accepting Easement – City of Lighthouse Point
02/15/2024
iManage #1084348v2

2

Attachment 1

Corporation

EASEMENT

Name (GRANTOR)	<u>CITY OF LIGHTHOUSE POINT</u>
Property Parcel Identification Number(s):	<u>484318110191</u>

Property Legal Description: SEE ATTACHED SKETCH & DESCRIPTION OF UTILITY EASEMENT

This Agreement made between GRANTOR and Broward County, a political subdivision of the State of Florida, the GRANTEE, whose address 2555 West Copans Road, Pompano Beach, Florida 33069.

WITNESSETH

WHEREAS, GRANTOR, is the owner of property (indicated above) that is situated in Broward County, Florida.

WHEREAS, GRANTEE desires an unrestricted and perpetual non-exclusive easement for water mains and/or wastewater gravity mains and/or wastewater force mains and/or reclaimed water mains and for any other water and wastewater installations which might 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 GRANTOR'S property which may or may not abut and being contiguous to the easement; and

WHEREAS, GRANTOR is willing to grant such an easement, and

(continued on next page)

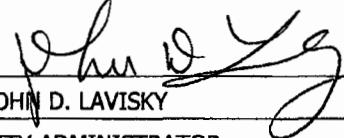
NOW, THEREFORE, for and in consideration of the mutual covenants each to the other running and one dollar (receipt acknowledged by GRANTOR) and other good and valuable considerations, GRANTOR does hereby grant unto GRANTEE, its successors and assigns, through its (GRANTEE'S) employees, agents, contractors, or other designated persons, full and free right and authority to construct, maintain, repair, install, and rebuild water and/or wastewater facilities within the property described above or more specifically described in Exhibit "A" and Exhibit "B" attached hereto and made a part hereof and GRANTOR hereby grants to GRANTEE a perpetual non-exclusive easement in, over, under, through, upon and/or across the above described lands for the purpose of providing water supply service for domestic or otherwise and for the collection of domestic or other kinds of wastewater to and from properties or lands inclusive of GRANTOR'S property or land which abuts and being contiguous to the easement described and so granted herein, also for GRANTEE to provide water and wastewater services to properties which may not be contiguous to the said easement described herein.

GRANTEE has approved the existing and proposed above ground structures, asphalt, paving, landscaping, walls, fences, underground piping, underground structures, duct banks, transformers, poles, retention areas, pavers, electric, cable, and other utility facilities within the easement area described herein to the extent said improvements are shown on the plans and drawings presented to and approved by GRANTEE. Except as permitted above, GRANTOR agrees that no obstructions that would preclude maintenance or improvement of GRANTEE's facilities may be placed in the easement area by GRANTOR or any other easement holder without GRANTEE's consent. In the exercise of its rights hereunder, 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 any such access, maintenance, or repair.

(signed on the following page)

IN WITNESS WHEREOF GRANTOR has caused its corporate name to be hereunto signed by its proper officers thereunto duly authorized.

Corporate Name: CITY OF LIGHTHOUSE POINT

Signature: 

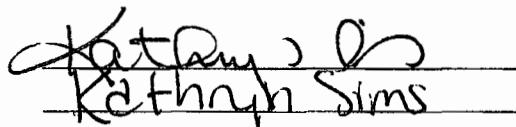
Type Name: JOHN D. LAVISKY

Title: CITY ADMINISTRATOR

Address: 2200 NE 38TH STREET, LIGHTHOUSE POINT, FL 33064

ATTEST (not required if witnessed below)

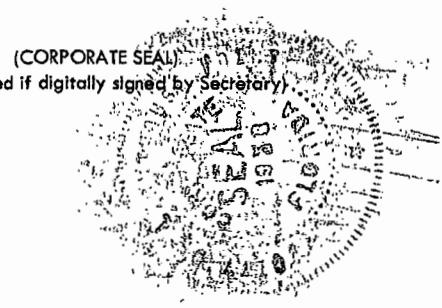
Corporate Secretary

Signature: 

Typed Name: Kathryn Sims

(CORPORATE SEAL)

(not required if digitally signed by Secretary)



WITNESSES (not required if attested by Secretary above)

Witness One

Signature: _____

Witness Two

Signature: _____

Witness One

Typed Name: _____

Witness Two

Typed Name: _____

ACKNOWLEDGEMENT

State of: Florida

Date: 2/24/22

County of: Broward

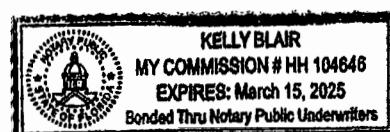
The foregoing instrument was acknowledged before me this date by John Lavisky, officer (or agent) of the above named corporation on behalf of the corporation. He/ she

personally known Type of Identification Produced: _____

Notary Signature: 

(NOTARY SEAL)
(not required if digitally signed by Notary)

Type Name: Kelly Blair



LEGAL DESCRIPTION

An Easement over a Portion of LOT 1, BLOCK F, AMENDED PLAT OF VENETIAN ISLES SHOPPING CENTER, according to the Plat thereof as recorded in Plat Book 46 at Page 46, of the Public Records of Broward County, Florida, being more particularly described as follows:

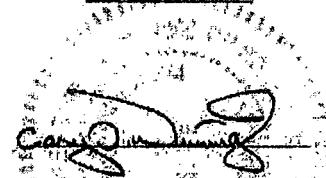
COMMENCING at the Southwest (SW) corner of said BLOCK F run North 00°27'55" East (Basis of Bearings on a Plat Bearing) along the westerly line of said BLOCK F, 134.30' to the POINT OF BEGINNING of a 20 foot wide parcel of land lying ten (10) feet on each side of the following described line; thence run North 89°05'17" East, 11.00 to the POINT OF TERMINATION.

Said lands situate, lying and being in the CITY OF LIGHTHOUSE POINT, Broward County, Florida.

NOTES:

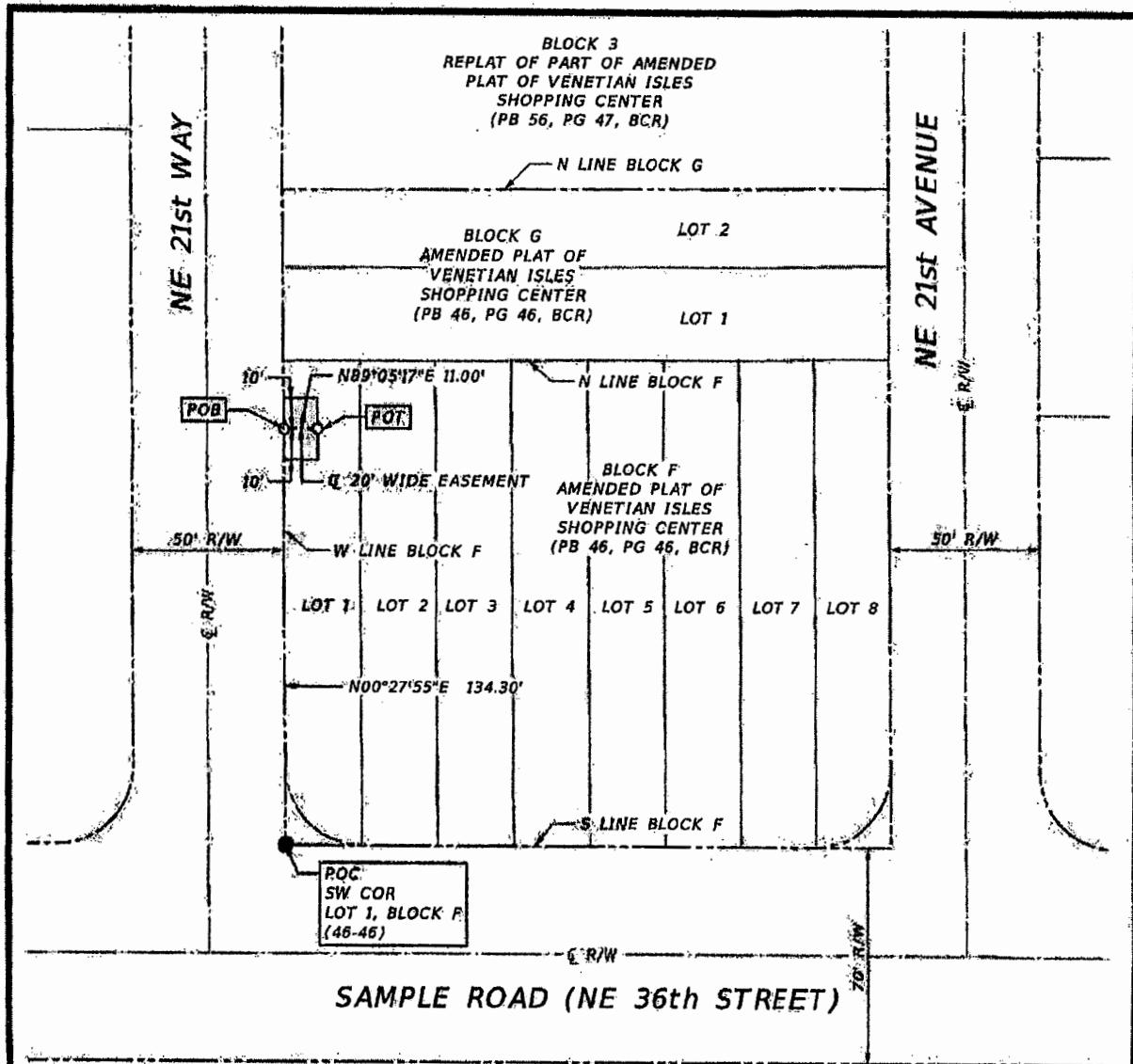
1. THIS SKETCH & LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE & SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.
2. THIS SKETCH & LEGAL DESCRIPTION CONSISTS OF TWO (2) SHEETS & IS NOT COMPLETE WITHOUT ALL SHEETS.
3. THIS IS NOT A SURVEY.

PREPARED BY:


CARY D. WINNINGHAM
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NUMBER 2961

DATE: 2/15/2022

PORTION OF LOT 1, BLOCK F AMENDED PLAT OF VENETIAN ISLES SHOPPING CENTER (PB 46, PG 46, BCR)	 WINNINGHAM & FRADLEY, INC. ENGINEERS • PLANNERS • SURVEYORS 111 N.W. 144 STREET • DAVIE, FL 33328 800.442.4700 • 954.345.0000 • FAX 954.345.0001																				
LEGAL DESCRIPTION OF 20' WIDE UTILITY EASEMENT	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>LEGAL:</td> <td>AMF</td> <td>DATE: 02/2022</td> <td>PUBLISHED: 2/9/2022, 2:22:22 PM</td> </tr> <tr> <td>SKETCH:</td> <td>AMF</td> <td>DATE: 02/2022</td> <td>PROJECT NUMBER</td> </tr> <tr> <td>CHECKED:</td> <td>AMF</td> <td>DATE:</td> <td>SHEET</td> </tr> <tr> <td></td> <td></td> <td></td> <td>LH22000</td> </tr> <tr> <td></td> <td></td> <td></td> <td>SHEET 02</td> </tr> </table>	LEGAL:	AMF	DATE: 02/2022	PUBLISHED: 2/9/2022, 2:22:22 PM	SKETCH:	AMF	DATE: 02/2022	PROJECT NUMBER	CHECKED:	AMF	DATE:	SHEET				LH22000				SHEET 02
LEGAL:	AMF	DATE: 02/2022	PUBLISHED: 2/9/2022, 2:22:22 PM																		
SKETCH:	AMF	DATE: 02/2022	PROJECT NUMBER																		
CHECKED:	AMF	DATE:	SHEET																		
			LH22000																		
			SHEET 02																		

LEGEND

BCR	CENTERLINE
DE	BROWARD COUNTY RECORDS
PB	DRAINAGE EASEMENT
PG	PLAT BOOK
POB	PAGE
POC	POINT OF BEGINNING
POT	POINT OF COMMENCEMENT
R/W	POINT OF TERMINATION
UE	RIGHT-OF-WAY
---	UTILITY EASEMENT
---	EASEMENT LINE
---	RIGHT-OF-WAY LINE

THIS IS NOT A SURVEY

PORTION OF LOT 1, BLOCK F AMENDED PLAT OF VENETIAN ISLES SHOPPING CENTER (PB 46, PG 46, BCR)	SKETCH OF 20' WIDE UTILITY EASEMENT	WINNINGHAM & FRADLEY, INC. ENGINEERS & PLANNERS - SURVEYORS 111 N.E. 44th STREET - DAVIE, FLORIDA 33317 800/777-4444 - 305/732-2100 - FAX 305/732-2105															
		<table border="1"> <tr> <td>LEGEND</td><td>AMF</td><td>DATE: 02/2022</td><td>PUBLISHED</td><td>2/9/2022, 2:26:28 PM</td></tr> <tr> <td>SKETCH:</td><td>AMF</td><td>DATE: 02/2022</td><td>PROJECT NUMBER</td><td>SHEET</td></tr> <tr> <td>CHECKED:</td><td>DATA:</td><td></td><td>LH22000.</td><td>SHEET 02</td></tr> </table>	LEGEND	AMF	DATE: 02/2022	PUBLISHED	2/9/2022, 2:26:28 PM	SKETCH:	AMF	DATE: 02/2022	PROJECT NUMBER	SHEET	CHECKED:	DATA:		LH22000.	SHEET 02
LEGEND	AMF	DATE: 02/2022	PUBLISHED	2/9/2022, 2:26:28 PM													
SKETCH:	AMF	DATE: 02/2022	PROJECT NUMBER	SHEET													
CHECKED:	DATA:		LH22000.	SHEET 02													

OPINION OF TITLE

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 covering 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 beginning to the 18th day of January, 2024, at the hour of 11:00 PM, inclusive, of the following described property:

Legal Description:

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

Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block "F", and Lots 1 and 2, Block "G", of "Amended Plat of Venetian Isles Shopping Center", according to the Plat thereof recorded in Plat Book 46, Page 46, of the Public Records of Broward County, Florida, and being more fully described as follows:

Commencing at the Southeast corner of Lot 8, Block "F" of "Amended Plat of Venetian Isles Shopping Center", according to the Plat thereof, recorded in Plat Book 46, Page 46, of the Public Records of Broward County, Florida, said corner being the intersection of the West right-of-way line of N.E. 21' Avenue and the North right-of-way line of N.E. 36th Street (Sample Road); thence North 89 degrees 06'57" West along the said North right-of-way line of said N.E. 36th Street a distance of 200.00 feet thence North 00 degrees 27'55" East a distance of 211.28 feet; thence South 89 degrees 32'05" East, a distance of 200.00 feet to a point on the West right-of-way line of N.E. 21' Avenue; thence South 00 degrees 27'55" West along the said West right-of-way line of N.E. 21st Avenue a distance of 212.72 feet to the point of beginning. Said lands lying and being in the City of Lighthouse Point, Broward County, Florida.

LESS and EXCEPT that portion of said property described as follows:

All that external area lying Southwesterly of an arc formed by a 25.0 foot radius which is tangent to the Easterly right-of-way line of Northeast 21' Avenue, and tangent to the Northerly right-of-way line of Sample Road (S 834) and all that external area lying Southeasterly of an arc formed by a 25.0 foot radius which is tangent to the Westerly right-of-way line of Northeast 21' Way, and tangent to the Northerly right-of-way line of Sample Road (S 834) of Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block "F", "Amended Plat of Venetian Isles Shopping Center", as recorded in Plat Book 46, Page 46, Broward County Public Records, Broward County, Florida.

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:

City of Lighthouse Point, a Florida municipal corporation

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.

1. Nothing Found

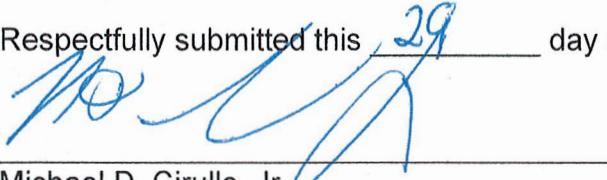
List of easements and Rights-of-Way lying within the plat boundaries (if none, state none). (Attach copies of all recorded document(s) [excluding recorded plats].

1. All matters contained in the Plat of VENETIAN ISLES SHOPPING CENTER, as recorded in Plat Book 45, Page 50, as affected by Survey recorded in Instrument Number 118695216, Public Records of Broward County, Florida.
2. All matters contained in the Plat of AMENDED PLAT OF VENETIAN ISLES SHOPPING CENTER, as recorded in Plat Book 46, Page 46, Public Records of Broward County, Florida.
3. Broward County Resolution Adopting Building and Zoning Regulations filed July 11, 1958 in Official Records Book 1266, Page 243, Public Records of Broward County, Florida.
4. Florida Railroad and Public Utilities Commission Certificates of Public Conveniences and Necessity filed February 27, 1963 in Official Records Book 2553, Page 101 and in Official Records Book 2553, Page 113, all of the Public Records of Broward County, Florida.

5. Broward County Resolution Designating Area of Operation of Broward County Water and Sewer System No. 2, filed in Official Records Book 3843, Page 466, Public Records of Broward County, Florida.
6. Resolution Correcting Assessment Roll in Broward County Sewer Assessments District No. A(1) filed in Official Records Book 7073, Page 932, Public Records of Broward County, Florida.
7. Lease from 2101 Properties, LLC, a Florida limited liability company to Sweetbriar Holdings LLC, a Florida limited liability company, as evidenced by document recorded May 9, 2017, under Instrument Number 114371499, Public Records of Broward County, Florida.
8. Order Zoning Case No. 20-01 recorded in Instrument Number 116514317, Public Records of Broward County, Florida.
9. Resolution No. 2020-307 recorded in Instrument Number 116538793, Public Records of Broward County, Florida.
10. Easement to Florida Power and Light Company recorded in Instrument Number 118021103, Public Records of Broward County, Florida.
11. Easement to Broward County, Florida recorded in Instrument Number 118021104, Public Records of Broward County, Florida.
12. Rights of the lessees under unrecorded leases.

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 29 day of January, 2024.


Michael D. Cirullo, Jr.

Florida Bar No. 973180