

**ORDINANCE NO. 2009 - 09**

**A ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, GRANTING A 20' DRAINAGE EASEMENT ON A PORTION OF PARCEL A, "PUBLIC FACILITY SAFETY COMPLEX," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 174, PAGE 57 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AUTHORIZING THE PREPARATION AND EXECUTION OF THE EFFECTING DOCUMENTS; PROVIDING INSTRUCTIONS TO THE TOWN CLERK; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the South Broward Drainage District seeks a twenty foot (20') drainage easement on the Town of Southwest Ranches' Public Facility Safety Complex site generally located on 17220 Griffin Road, as delineated in Exhibit "A"; and

**WHEREAS**, the location of the proposed twenty (20) foot drainage easement is legally described as:

A PORTION OF PARCEL A, "PUBLIC FACILITY SAFETY COMPLEX," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 174, PAGE 57 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF SAID PARCEL A; THENCE NORTH 01°53'42" WEST, A DISTANCE OF 31.23 FEET; THENCE SOUTH 88°26'54" EAST, A DISTANCE OF 163.30 FEET; THENCE NORTH 01°53'42" WEST, ALONG A LINE 12 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID PARCEL A, A DISTANCE OF 68.87 FEET; THENCE NORTH 88°06'18" EAST, A DISTANCE OF 12.00 FEET; THENCE SOUTH 01°53'42" EAST, ALONG THE EAST LINE OF SAID PARCEL A, A DISTANCE OF 89.29 FEET; THENCE SOUTH 73°40'52" WEST, A DISTANCE OF 1.10 FEET; THENCE NORTH 88°26'54" WEST, A DISTANCE OF 154.21 FEET; THENCE SOUTH 01°53'42" EAST, A DISTANCE OF 9.99 FEET; THENCE SOUTH 88°05'16" WEST, ALONG THE SOUTH LINE OF SAID PARCEL A, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. ALL LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA (the "Drainage Easement Area"); and

**WHEREAS**, the Town recently constructed its first Public Safety Complex on the northwest corner of 172<sup>nd</sup> Avenue and 46<sup>th</sup> Street; and

**WHEREAS**, the Town adopted Resolution 2008-057 approving a contract with Weekley Asphalt and Paving, Inc. to construct said drainage improvements; and

**WHEREAS**, the Town Council finds that the granting of this Drainage Easement will help to protect the health, safety and welfare of its residents.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1:** The above referenced recitals are true and correct and are incorporated herein by reference. All exhibits referenced herein and attached hereto are hereby incorporated herein.

**Section 2:** The Town Council and the Town of Southwest Ranches, Florida, hereby authorizes the granting of the Drainage Easement in substantially the same form as Exhibit "A", attached hereto and made a part hereof.

**Section 3:** The Town Attorney is hereby authorized to prepare any and all documents necessary to effectuate the intent of this Ordinance and the appropriate Town officials are hereby authorized to execute said documents.

**Section 4:** The Town Clerk is hereby directed to record a copy of the Drainage Easement in the Public Records of Broward County, Florida.

**Section 5: Conflicts.** All Ordinances or parts of Ordinances, Ordinances or parts of Ordinances in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 6: Severability.** If any word, phrase, clause, sentence or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

**Section 7: Effective Date.** This Ordinance shall be effective immediately upon its adoption.

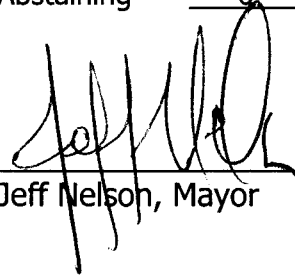
**[SIGNATURES ON FOLLOWING PAGE]**

**PASSED ON FIRST READING** this 5<sup>th</sup> day of February, 2008 on a motion made by Vice Mayor Steve Breitzkreuz and seconded by Council Member Aster Knight.

**PASSED AND ADOPTED ON SECOND READING** this 19<sup>th</sup> day of March, 2009, on a motion made by Council Member Aster Knight and seconded by Council Member Freddy Fisikelli.

Nelson	<u>Y</u>
Breitzkreuz	<u>Y</u>
Fisikelli	<u>Y</u>
Knight	<u>Y</u>
McKay	<u>Y</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>



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Jeff Nelson, Mayor

ATTEST:



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Susan A. Owens, CMC, Town Clerk

Approved as to Form and Correctness:



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Gary A. Poliakoff, J.D., Town Attorney

FTL\_DB: 1154821\_1

**EXHIBIT A**

Prepared By and Return To:

South Broward Drainage District  
6591 S.W. 160<sup>th</sup> Avenue  
Southwest Ranches, Florida 33331  
(954) 680-3337

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**20' DRAINAGE EASEMENT  
TOWN OF SOUTHWEST RANCHES PUBLIC FACILITY SAFETY COMPLEX**

THIS DRAINAGE EASEMENT is granted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by **TOWN OF SOUTHWEST RANCHES, a Florida Municipal Corporation**, whose address is 6589 S.W. 160 AVE., SOUTHWEST RANCHES, FLORIDA 33331, hereinafter referred to as "Grantor", to **SOUTH BROWARD DRAINAGE DISTRICT**, a political subdivision of the State of Florida, located at 6591 S.W. 160th Avenue, Southwest Ranches, Florida 33331, hereinafter referred to as "District".

**WITNESSETH:**

That the Grantor, for and in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant and convey:

(1) To District, its successors and assigns, a perpetual and non-exclusive drainage easement for the construction and maintenance of drainage facilities, together with any necessary appurtenances incidental and necessary thereto, over, across and through the real property legally described in Exhibit "A" attached hereto and made a part hereof ("Drainage Easement Area"), together with free ingress and egress across said Drainage Easement Area for the purpose of constructing, maintaining and repairing the drainage system and appurtenances contained therein.

(2) Although the easement granted herein is non-exclusive, should any easements over the same property be granted, subsequent to the date of this easement, the holder of any such subsequent easement shall be required to obtain approval from the District for the use of the Drainage Easement Area. Such approval by the District shall not be unreasonably withheld or denied.

(3) The rights granted herein to the District may be released or modified by a written, recordable release or modification approved by the Grantor and executed by the District.

(4) No improvements, trees, landscaping or encroachments including utilities shall be placed within the Drainage Easement Area without the approval of and a permit from the District.

expenses in maintaining or repairing the drainage facilities within the Drainage Easement Area, Grantor and Grantors successors and assigns shall reimburse District for said expenses including attorney's fees and costs to collect said expenses. However, before incurring any expenses, except in an emergency, District shall provide written notice to Grantor at least five (5) working days prior to performing any work to maintain or repair said drainage facilities. During this period of time, Grantor or Grantor's successors and assigns may perform the work proposed by District or notify District that Grantor will perform said work to District's requirements.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed in its name by its proper officer, the day and year above written.

Signed, sealed and delivered  
in the presence of:

TOWN OF SOUTHWEST RANCHES  
("Grantor")

\_\_\_\_\_  
Witness Signature †

By: \_\_\_\_\_  
Jeff Nelson, Mayor

\_\_\_\_\_  
Witness Printed Name †

By: \_\_\_\_\_  
Bert Wrains, Interim Town Administrator

\_\_\_\_\_  
Witness Signature †

\_\_\_\_\_  
Witness Printed Name †

ATTEST:

\_\_\_\_\_  
Susan A. Owens, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary A. Poliakoff, J.D. Town Attorney

STATE OF                    )  
                                  ) §  
COUNTY OF                )

The foregoing Drainage Easement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by **Jeff Nelson, Mayor and Bert Wrains, Interim Town Administrator** as Grantors.

Witness my hand and official seal in the county and state last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_

# COUSINS SURVEYORS & ASSOCIATES, INC.



3921 SW 47TH AVENUE, SUITE 1011  
DAVIE, FLORIDA 33314  
CERTIFICATE OF AUTHORIZATION : LB # 6448  
PHONE (954) 680-9885 FAX (954) 680-0213

PROJECT NUMBER : 6138-08

CLIENT :  
WEEKLEY ASPHALT  
AND PAVING

## LAND DESCRIPTION AND SKETCH

### 20' DRAINAGE EASEMENT

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ALL LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA.

### NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. DATA SHOWN HEREON DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF PARCEL A, "PUBLIC FACILITY SAFETY COMPLEX", (P.B. 174, PG. 57, B.C.R.). SAID LINE BEARS S88°05'16"W.

I HEREBY CERTIFY THAT THE "LAND DESCRIPTION AND SKETCH" OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND PREPARED UNDER MY DIRECTION IN SEPTEMBER, 2008. I FURTHER CERTIFY THAT THIS "LAND DESCRIPTION AND SKETCH" MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 61G17 OF THE FLORIDA ADMINISTRATIVE CODE. PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THERE ARE NO ABOVE GROUND ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON, SUBJECT TO THE QUALIFICATIONS NOTED HEREOF.

# COUSINS SURVEYORS & ASSOCIATES, INC.

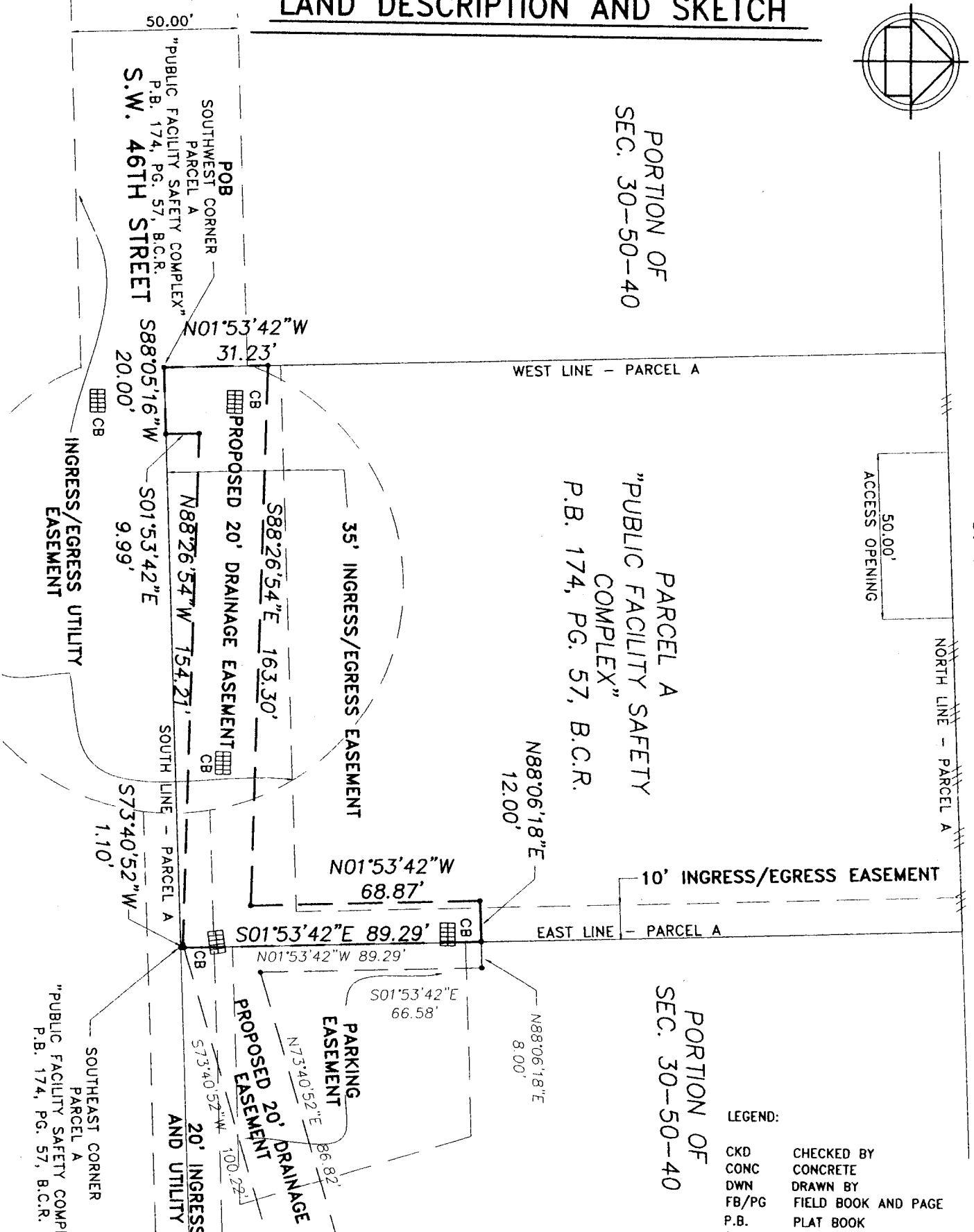
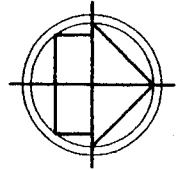


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GRIFFIN ROAD

**LEGEND:**

CKD	CHECKED BY
CONC	CONCRETE
DWN	DRAWN BY
FB/PG	FIELD BOOK AND PAGE
P.B.	PLAT BOOK
B.C.R.	BROWARD COUNTY RECORDS

PORTION OF  
 SEC. 30-50-40

PARCEL A  
 "PUBLIC FACILITY SAFETY  
 COMPLEX"  
 P.B. 174, PG. 57, B.C.R.

PORTION OF  
 SEC. 30-50-40

"PUBLIC FACILITY SAFETY COMPLEX"  
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