



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#22-0737

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Greg Chavarria, City Manager

DATE: August 16, 2022

TITLE: Resolution Authorizing Reconveyance of Sidewalk Rights-Of-Way by
Curative Quit Claim Deed Pursuant to Florida Statue § 255.22 – N.W. 7th
Avenue and N.W. 4th Street - **(Commission District 3)**

Recommendation

Staff recommends the City Commission adopt a resolution authorizing execution, delivery and recording of a Curative Quit Claim Deed reconveying to Sixth Street Corporation (“Sixth Street”) a 10-foot Dedication along N.W. 7th Avenue and a 5-foot Dedication along N.W. 4th Street pursuant to Florida Statute § 255.22, together with a Phantom 09/20/2000 recorded Right-Of-Way Dedication that was never delivered to nor accepted by the City.

Background

On April 21, 1997, Sixth Street owned a parcel of land at the SW quadrant of the intersection of N.W. 7th Avenue (Avenue of the Arts) and N.W. 4th Street. At that time, Sixth Street conveyed to the City a 10-foot sidewalk easement on the West boundaries of N.W. 7th Avenue (Exhibit 1) and a 5-foot sidewalk easement along the North boundary of N.W. 4th Street (Exhibit 2). These were conveyed in anticipation of the 7th / 9th Connector Project, which was ultimately abandoned.

On January 18, 2022, the City Commission (CAM #22-0027) adopted a resolution authorizing execution and delivery of a Quit Claim Deed reconveying to Sixth Street both easements along N.W. 7th Avenue and N.W. 4th Street (Exhibit 3). However, subsequent to the City Commission adopting this resolution and recording the Quit Claim Deed authorized under the resolution, the Broward County Property Appraiser’s Office (“BCPA”) brought to our attention a discrepancy in the metes and bounds description in both the 10-foot and 5-foot Dedications (Exhibits 1 & 2) and the Quit Claim Deed dated 01/18/22 authorized pursuant to Resolution No. 22-18 (Exhibits 4 & 5 respectively). BCPA further brought to our attention the “never delivered to nor accepted by the City” under the Phantom 09/20/2000 recorded Right-Of-Way Dedication (Exhibit 6). In order for title to pass in a real estate transaction, the instrument of conveyance must be (i) signed by the Grantor and (ii) delivered to and accepted by the Grantee. Without (i) and (ii) above, title does not pass, but the instrument remains in the public records.

The intended purpose underlying this request is to reconcile any discrepancies in the metes and bounds descriptions found in Exhibits 1 & 2 and the metes and bounds description found in Exhibit 6, as well as eliminating any confusion in the Public Records as to the Phantom 09/20/2000 recorded Right-Of-Way Dedication (Exhibit 6).

Resource Impact

There is no fiscal impact to the City associated with this action, other than the cost of recording the Curative Quit Claim Deed (Exhibit 8).

Strategic Connections

This item is a *2022 Commission* Priority, advancing Smart Grown initiative

The item supports the *Press Play Fort Lauderdale 2024* Strategic Plan, specifically advancing:

- The Business Development Focus Area
- Goat 5: Build an attractive global and local economic community marketplace
- Objective: Create a responsive and proactive business climate to attract emerging industries

This item advances the *Fast Forward Fort Lauderdale 2035* Vision Plan: We are Prosperous.

Attachments

Exhibit 1 – 10-foot Dedication from Sixth Street Corporation

Exhibit 2 – 5-foot Dedication from Sixth Street Corporation

Exhibit 3 – CAM # 22-0027

Exhibit 4 – Quit Claim Deed dated 01/18/22, recorded 03/09/22

Exhibit 5 – Resolution No. 22-18

Exhibit 6 – Recorded Phantom 09/20/2000 Right-Of-Way Dedication

Exhibit 7 – Proposed Resolution

Exhibit 8 – Proposed Curative Quit Claim Deed

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