

RESOLUTION NO. 10-10-3

**A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA,
ISSUING A CONDITIONAL USE PETITION #CU 9-1-09 FOR
COOPER CITY FRANKLIN SCHOOL, 2800 NORTH PALM
AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the petitioner (the "Petitioner") for the Cooper City Franklin School has submitted a Conditional Use Petition #CU 9-1-09 for a K-8 Charter School use in a X-1 Zoning District; and

WHEREAS, a Public Hearing on this request was held by the Planning & Zoning Board on May 17, 2010, after due notice of publication; and

WHEREAS, the Planning & Zoning Board has submitted to the City Commission their recommendation, a copy of which is attached hereto as Exhibit "A"; and

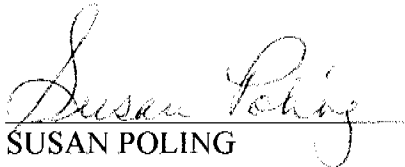
WHEREAS, the City Commission held a Public Hearing on this request on October 12, 2010, after due notice of publication.

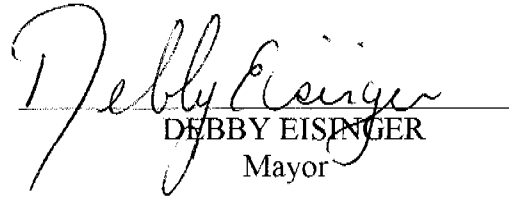
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION
OF THE CITY OF COOPER CITY, FLORIDA:**

Section 1: That the Petitioner for the Cooper City Franklin School is hereby granted the Conditional Use Petition #CU 9-1-09 to permit K-8 Charter School use in a X-1 Zoning District, subject to each of the conditions approved by the City Commission, and pursuant to the provisions of Section 23-62 of the Municipal Code of Ordinances.

Section 2: That this Resolution shall be in full force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 12TH DAY OF OCTOBER, A.D., 2010.


SUSAN POLING
City Clerk


DEBBY EISINGER
Mayor

ROLL CALL

Mayor Eisinger	<u>yes</u>
Commissioner Mallozzi	<u>yes</u>
Commissioner Sims	<u>yes</u>
Commissioner de Jesus	<u>yes</u>
Commissioner Curran	<u>yes</u>




**Additional Conditions of Approval
For Agenda items:**

In connection with the City Commission's reconsideration of the Applications (Site Plan, Plat, and Conditional Use), Broward Charter BR Cooper City, LLC (the "Applicant") hereby offers the following as additional conditions of approval:

1. Work with Broward County to lengthen 2 of the existing turn lanes on Palm Avenue between Stirling Road and Sheridan Street to 300 feet. Said turn lanes are identified on the attached Exhibit "A".
2. Reduce the maximum student enrollment from 1340 to 1200.
3. With all due diligence, pursue the opportunity to operate a charter school which will target students for admission within a 3.5 mile radius of the property in accordance with Florida Statute Section 1002.33(10)(e)(4). Should the School Board not approve the implementation of the targeted approach listed above, the Applicant may pursue the construction of a charter school on the Property without any targeted radius for student admissions.
4. Provide a school resource officer. Said officer shall be the same sheriff's deputy previously agreed to who shall also serve as a traffic control officer.
5. Request permission to install a no u-turn sign at the median described on the attached Exhibit "A".
6. Provide 3 separate shifts for student arrival and dismissal times.
7. Provide crossing guards at appropriate locations.



MEMORANDUM

To: City Commission Members
From: Matt Wood, Growth Management Director 
Thru: Bruce Loucks, City Manager
Date: September 27, 2010
Re: Conditional Use for Cooper City Franklin School, petition #CU 9-1-09

Petition Name: Cooper City Franklin School
Location: 2800 North Palm Avenue -- Generally located on the east side of Palm Avenue, approximately 1,200 feet north of Sheridan Street
Owner/Agent: First Baptist Church of Southwest Broward, Inc., Owner
Broward Charter BR Cooper City, LLC, Petitioner
Hope Calhoun, Esq., Ruden, McClosky, et. al., Agent
Acres: 5.96
Land Use Plan: E, Estate
Request: Conditional Use for a proposed K-8 charter school. This application has been submitted concurrently with applications for preliminary/final plat and site plan.

PROPERTY DESCRIPTION: The subject site is approximately 6 acres in size and currently contains a church building and agricultural uses. The land use and zoning of the surrounding areas can be described as follows:

East: Additional single family residential units and agricultural land owned by the First Baptist Church of Southwest Broward which are zoned A-1* (*County), Agricultural and Land Use Plan designated E, Estate.

North: Brian Piccolo Park, zoned A-1* (*County), Agricultural and Land Use Plan designated P & R, Park and Recreation.

West: Across Palm Avenue are single family homes in the Embassy Lakes subdivision, zoned PRD, Planned Residential Development and Land Use Plan designated LM, Low Medium Residential.

COOPER CITY FRANKLIN SCHOOL PETITION # CU 9-1-09
CITY COMMISSION 10/12/10

South: Vacant/agricultural land zoned A-1* (*County), Agricultural and Land Use Plan designated E, Estate.

BACKGROUND: This petition is part of a package of petitions being processed by the agents for the First Baptist Church of Southwest Broward in order to construct a K-8 charter school to accommodate up to 1,400 students on the property. The site subject to the conditional use request is not the entire area subject to the rezoning petition previously approved by the City Commission, since a potential high school on the other three acres is not included in the site plan being proposed at this time. If the other three acres is proposed to be developed at a later time it would require another conditional use petition along with a site plan and a plat amendment.

ANALYSIS OF CONDITIONAL USE REQUEST

NATURE OF USE: The proposed use of this property for a K-8 charter school is consistent with the type of use and structures intended within the X-I Civic district. This school use is specifically listed in Sec.23-10 *Use Regulations Schedule*, of the City's Code of Ordinances, as permitted, subject to Conditional Use approval by the City Commission.

PLAN COMPLIANCE: The subject site is designated "Estate" on the Cooper City Future Land Use Map. This application is consistent with the permitted uses of the Estate Category of the Cooper City Comprehensive Plan and accordingly Policy 1.4.4., which mandates the consistency of land uses with the Residential designations. The proposed use is consistent with Objective 1.12 and the supporting Policies of the Comprehensive Plan to provide sufficient land for schools, proximate to residential areas and parks, and consistent with land area guidelines. As such, the conditional use request may be considered consistent with the City Comprehensive Plan.

CODE COMPLIANCE: The proposed use complies with all applicable regulations and specific standards in the Code. Rezoning, Site Plan and Plat petitions have been submitted concurrently with this petition and all reflect compliance with applicable codes and standards. The Rezoning application addressed the property compliance with the City's Code of Ordinances and reviewed the intended use of the site for a charter school.

LAND USE COMPATIBILITY: The X-1 Civic District can be considered compatible with the surrounding existing and planned land uses. As previously described, there is an adjacent Regional County Park to the north which offers adjacent recreational opportunities there. The surrounding residential communities will benefit as the future school could serve to meet additional capacity demands expected from Monterra and beyond. To the south the proposed adjacent church use is expected to be a compatible community facility use with the intended elementary school. The proposed six acres for the K-8 charter school, and more so the nine acre size of the entire area being rezoned, should offer adequate room to buffer and appropriately separate the community facility use from the surrounding properties.

TRAFFIC IMPACTS: The proposed school must meet all traffic concurrency regulations prior to permit issuance. Through the plat process, Broward County will assess the additional

COOPER CITY FRANKLIN SCHOOL PETITION # CU 9-1-09
CITY COMMISSION 10/12/10

traffic generated by the additional uses and will require additional transit impact fees to be paid prior to the issuance of a building permit. The property is adequately situated with direct access on Palm Avenue, a minor arterial roadway in the City.

A traffic impact study was prepared by Traf Tech Engineering, Inc., and was reviewed on behalf of the City by Kimley-Horn and Associates, Inc. As a result of this analysis, the petitioner has committed to the following:

1. Appropriate pedestrian facilities (including push buttons) will be ensured to be in place and operational at nearby signalized intersections prior to school opening.
2. A traffic signal warrant analysis will be conducted at and near the school entrance in order to determine if a signal is warranted near the school site.
3. A pedestrian crossing signal warrant analysis should be conducted in conjunction with the traffic signal warrant analysis to determine if a mid-block pedestrian crossing is necessary due to the distance between the school property and Sheridan Street to the south and particularly the long distance to Stirling Road to the north.
4. The cross-access driveways located on the east and south sides of the school will be coned off during the school's morning and afternoon peak periods.
5. Traffic control persons will be placed at particularly specified locations on site in order to enforce the correct operation of the circulation aisle and parking lots during the school's morning and afternoon peak periods. These locations include, but would not be limited to, the first intersection upon entering the site, the subsequent clockwise turn location at the entrance to the northern parking entrance to the west of the bus bay area, and in the area of the parent drop-off lanes.
6. During the school's morning and afternoon peak periods, an off-duty police officer will control the school access driveway off of Palm Avenue.
7. Staggered dismissal times of elementary grades from middle school grades, not less than 20 minutes will be implemented for a more organized process and to eliminate congestion. Although staff recommends the separation be 30 minutes and consideration being given to also staggering start time between elementary grades and middle school grades.
8. Facility deliveries will be restricted during student arrival and dismissal times.
9. A School Resource Deputy (SRD) will be provided and funded by the Charter School.

Accordingly, the request should not have any adverse affect on the safety and convenience of vehicular and pedestrian circulation in the area.

PARKING ADEQUACY: The proposed school must be provided with adequate parking typical for the school size and consistent with Code requirements. Parking standards for school sites have been developed proportionate to the school size and number of classrooms and such standards have been developed over time to adequately meet anticipated parking demands. The accompanying site plan reflects consistency with these applicable requirements.

HAZARD PROTECTION: The proposed use will reasonably protect persons and property from flooding, erosion, fire, noise, glare or similar hazards. Protection against all potential

COOPER CITY FRANKLIN SCHOOL PETITION # CU 9-1-09
CITY COMMISSION 10/12/10

hazards is provided through the site plan and building permit processes, including paving and grading, engineering, building construction and inspections.

RECOMMENDATION: Staff recommends **APPROVAL** of the Conditional Use request for the proposed charter school use subject to the following:

1. Understanding that a future high school or any additional school facilities on the eastern three acres will require approval of subsequent Site Plan and Conditional Use applications including an additional traffic study for the remainder portion of the subject property.
2. Inclusion of the petitioner's original access and traffic control and pedestrian safety commitments as listed in this staff report. Staff recommends the separation between elementary school and middle school dismissal times be 30 minutes and similarly staggering start time between elementary grades and middle school grades.
3. Pursuant to recommendations received from BSO and Kimley Horn, the City's Traffic Consultant, the following additional conditions are presented:
 - a. Signs indicating no U-turns during designated school hours shall be placed at nearby turn lanes subject to coordination between BSO and Broward County Traffic Engineering.
 - b. Additional storage capacity for U-turn movements shall be provided at the next available turn lanes to the north (whether at the Brian Piccolo Park entrance or further north from the park entrance).
 - c. The off-duty police officer that will control the school access driveway off of Palm Avenue shall be in addition to, rather than the same as the School Resource Deputy assigned to the school since it has been standard practice that the SRD shall remain dedicated to on site incidents.
4. Continue the commitment made by the applicants at the previous Commission meeting that they would arrange for and fund crossing guard personnel for the intersections of Palm Avenue at Stirling Road and for Palm Avenue at Sheridan Street.

This recommendation is based on a finding that the petition has met all the review criteria as listed in this staff report.

PLANNING AND ZONING BOARD RECOMMENDATION: At the meeting on May 17, 2010, the Planning and Zoning Board unanimously recommended **APPROVAL** of the Conditional Use request (CU 9-1-09) subject to all the requirements and DRC comments.

4. B. FRANKLIN CHARTER SCHOOL – LOCATED ON THE EAST SIDE OF PALM AVENUE APPROXIMATELY 1200 FEET NORTH OF SHERIDAN STREET

2. *PUBLIC HEARING – CONDITIONAL USE PETITION # CU 9-1-09

Mr. Wood explained that the subject site is approximately six acres in size as stated earlier and contains a church building and agricultural uses. The land use and zoning is described in the Staff Report.

The proposed use of this property for a K-8 charter school is consistent with the type of use and structures intended within the X-1 Civic district. This school use is specifically listed in Sec.23-10 *Use Regulations Schedule*, of the City's Code of Ordinances, as permitted, subject to Conditional Use approval by the City Commission.

The subject site is designated "Estate" on the Cooper City Future Land Use Map. This application is consistent with the permitted uses of the Estate Category of the Cooper City Comprehensive Plan and accordingly Policy 1.4.4., which mandates the consistency of land uses with the Residential designations.

The proposed use complies with all applicable regulations and specific standards in the Code. Rezoning, Site Plan and Plat petitions have been submitted concurrently with this petition and all reflect compliance with applicable codes and standards. The accompanying Rezoning application will bring this property into compliance with the City's Code of Ordinances and will support the intended use of the site for a charter school which has long been desired by the City to offset the student capacity demand projections for Monterra and other nearby communities.

The proposed X-1 Civic District can be considered compatible with the surrounding existing and planned land uses. As previously described, there is an adjacent Regional County Park to the north which offers immediate pedestrian access to the recreational opportunities there. The surrounding residential communities will benefit as the future school could serve to meet additional capacity demands expected from Monterra and beyond. To the south the proposed adjacent church use is expected to be a compatible community facility use with the intended elementary school. The proposed six acres for K-8 charter school, and more so the nine acre size of the entire area being rezoned, should offer adequate room to buffer and appropriately separate the community facility use from the surrounding properties.

The proposed school must meet all traffic concurrency regulations prior to permit issuance. Through the plat process, Broward County will assess the additional traffic generated by the additional uses and will require additional transit impact fees to be paid prior to the issuance of a building permit. The property is adequately situated with direct access on Palm Avenue, an arterial roadway in the City.

A traffic impact study was prepared by Traf Tech Engineering, Inc., and was reviewed on behalf of the City by Kimley-Horn and Associates, Inc. As a result of this analysis, the petitioner has committed to the following:

1. Appropriate pedestrian facilities (including push buttons) will be ensured to be in place and operational at nearby signalized intersections prior to school opening.
2. A traffic signal warrant analysis will be conducted at and near the school entrance in order to determine if a signal is warranted near the school site.

3. A pedestrian crossing signal warrant analysis should be conducted in conjunction with the traffic signal warrant analysis to determine if a mid-block pedestrian crossing is necessary due to the distance between the school property and Sheridan Street to the south and particularly the long distance to Stirling Road to the north.
 4. The cross-access driveways located on the east and south sides of the school will be coned off during the school's morning and afternoon peak periods.
 5. Traffic control persons will be placed at particularly specified locations on site in order to enforce the correct operation of the circulation aisle and parking lots during the school's morning and afternoon peak periods. These locations include, but would not be limited to, the first intersection upon entering the site, the subsequent clockwise turn location at the entrance to the northern parking entrance to the west of the bus bay area, and in the area of the parent drop-off lanes.
 6. During the school's morning and afternoon peak periods, an off-duty police officer will control the school access driveway off of Palm Avenue.
 7. Staggered dismissal times of elementary grades from middle school grades, not less than 20 minutes will be implemented for a more organized process and to eliminate congestion. Although staff recommends the separation be 30 minutes and consideration being given to also staggering start time between elementary grades and middle school grades.
 8. Facility deliveries will be restricted during student arrival and dismissal times.
- Accordingly, the request should not have any adverse affect on the safety and convenience of vehicular and pedestrian circulation in the area.

The proposed school must be provided with adequate parking typical for the school size and consistent with Code requirements. Parking standards for school sites have been developed proportionate to the school size and number of classrooms and such standards have been developed over time to adequately meet anticipated parking demands. The accompanying site plan reflects consistency with these applicable requirements.

The proposed use will reasonably protect persons and property from flooding, erosion, fire, noise, glare or similar hazards. Protection against all potential hazards is provided through the site plan and building permit processes, including paving and grading, engineering, building construction and inspections.

Mr. Wood commented that Staff recommends approval of the Conditional Use request for the proposed charter school use subject to the following:

1. Approval of the rezoning application being processed concurrently with this petition.
2. Understanding that a future high school or any additional school facilities on the eastern three acres will require approval of subsequent Site Plan and Conditional Use applications including an additional traffic study for the remainder portion of the subject property.
3. Inclusion of the petitioner's access and traffic control and pedestrian safety commitments listed in this staff report. Staff recommends the separation between elementary school and middle school dismissal times be 30 minutes and similarly staggering start time between elementary grades and middle school grades.

Mr. Wood concluded that this recommendation is based on a finding that the petition has met all the review criteria as listed in this staff report.

Ms. Calhoun commented that they are proposing a school in this location and the next step toward this master plan is to put a school in this area. There is more than sufficient parking as stated in the site plan. They are taking all necessary steps to provide for a safe environment for the students, pedestrian and vehicular traffic. She remarked that with regard to number seven, at Staff request they will agree to 20 minutes or 30 minutes and whatever works best for staggering of time. With regard to condition number six, she remarked that as a result of budget cuts in education they will provide traffic personnel and the issue is with the off duty traffic officer and they are not positive today that they can provide that. She explained they will have someone on site to control access points and to control traffic and it will also be coned. She wanted to make clear that it may not be an off-duty BSO officer.

Mr. Roper opened the Public Hearing at 7:30p.m. Seeing no one to speak, Mr. Roper closed the Public Hearing at 7:31 p.m.

Mr. Konhauzer wanted to know if it was common with other schools in the area, such as Embassy Creek, and other public schools to have an off-duty officer.

Ms. Calhoun responded that sometimes other schools do it as an extra safety measure. In this case it was discussed extensively with Staff and they didn't think there would be a problem to do that, but as they get closer to building, it may be more of a problem than not, but it's not uncommon not to have one either.

Ms. Keirnan commented that American Heritage has two police officers.

Mr. Roper remarked that schools in Cooper City have School Resource Officers.

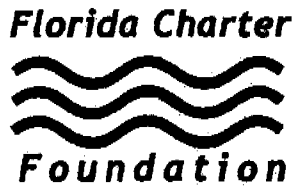
Ms. Keirnan commented that it says single gender classroom and wanted to know if it was a co-ed school.

Ms. Calhoun responded that it is a co-ed school, but the core curriculum will be single gender, so that all the math, science, English and reading will be single gender.

Ms. Keirnan wanted to know what the cost would be for students to attend this school.

Ms. Calhoun responded that there will not be a cost and it is open to everyone. People will apply to attend.

MOTION: TO APPROVE SUBJECT TO ALL THE REQUIREMENTS AND DRC COMMENTS - FRANKLIN CHARTER SCHOOL – LOCATED ON THE EAST SIDE OF PALM AVENUE APPROXIMATELY 1200 FEET NORTH OF SHERIDAN STREET - CONDITIONAL USE PETITION # CU 9-1-09. MOTION MADE BY MR. KONHAUZER AND SECONDED BY MR. ARONSON. There were all ayes on roll call vote. Motion was approved.



FILE COPY

RECEIVED

MAY 27 2010

Growth Management
Department

April 29, 2010

Pamela Butler
MG3 Development

Ms. Butler,

The following responses are provided to your inquiry:

- Pick up— It is our practice and intention to provide an orderly, efficient and safe pick up and drop off process for our parents and students. To assist in this process we will utilize staff to maintain control and supervision of our process. Staggered pick up times, not less than 20 minutes, for students in elementary and middle school grades will allow for a more organized process and alleviate congestion.
- Drop off - Though we will reserve consideration of need to stagger morning drop-off periods as well, unlike pick-up wherein parents arrive and all remain for the same release moment creating congestion, drop-off naturally staggers as parents do not arrive at precisely the same moment. Teachers are in their classrooms 30 minute before school starts as well as many students attend school 'before care'. Students normally arrive sometime within an hour preceding the start of school. Our expectation is that drop off can be managed effectively and efficiently without need for designated staggered times.
- Staff will assist in student pedestrian traffic during high volume periods.
- Facility deliveries will be posted restricted during student arrival and dismissal times.
- We will utilize traffic control cones, hand-held communications and safety vests to aid in this process.

Kind regards,

David L. Thomas, M.D.
Foundation Chair




FILE COPY



Crossing Guard - Enforce school children use east sidewalk on Palm to access school

Crossing Guard - Enforce school children use east sidewalk on Palm to access school

LEGEND

 Project Site

TrafTech
ENGINEERING, INC.

SCHOOL CROSSING GUARDS AT NEARBY SIGNALIZED INTERSECTIONS

FIGURE 1
Charter School
RECEIVED
City of Florida



FILE COPY

MAY 11 2010

Growth Management Department

Growth Management Department

RECEIVED

EXHIBIT "A"

(SKETCH AND LEGAL DESCRIPTION OF SERVIENT ESTATE)

RM:7508484:1



SKETCH AND LEGAL DESCRIPTION

BY
PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandssurveyors.com CERTIFICATE OF AUTHORIZATION LB23870



LEGAL DESCRIPTION:

A PORTION OF PARCEL 1, "CEDARWOOD COMMERCIAL – SHERIDAN AND PALM", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 179, PAGE 18, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND A PORTION OF TRACT 50, SECTION 5 "THE EVERGLADES SUGAR AND LAND CO. SUBDIVISION OF SECTIONS 4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32 AND 33 TWP. 51 SO. RANGE 41 EAST" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 75 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID PARCEL 1, BEING ON THE NORTH RIGHT-OF-WAY LINE OF SHERIDAN STREET; THENCE NORTH 87°50'33" EAST ALONG THE SOUTH LINE OF SAID PARCEL 1 AND SAID NORTH RIGHT-OF-WAY LINE FOR 237.92 FEET TO THE POINT OF BEGINNING; THENCE NORTH 02°08'17" WEST 147.63 FEET; THENCE SOUTH 87°51'43" WEST 10.50 FEET; THENCE NORTH 02°08'17" WEST 153.53 FEET; THENCE SOUTH 87°51'43" WEST 4.03 FEET; THENCE NORTH 02°05'28" WEST 12.00 FEET; THENCE NORTH 87°51'43" EAST 4.02 FEET; THENCE NORTH 02°08'17" WEST 335.45 FEET; THENCE SOUTH 87°51'43" WEST 14.01 FEET; THENCE NORTH 02°08'17" WEST 12.00 FEET; THENCE NORTH 87°51'43" EAST 14.01 FEET; THENCE NORTH 02°08'17" WEST 9.76 FEET; THENCE SOUTH 87°52'19" WEST 255.43 FEET TO THE INTERSECTION WITH THE WEST LINE OF SAID PARCEL 1, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF PALM AVENUE (SW 101st AVENUE); THENCE NORTH 02°08'16" WEST ALONG SAID WEST LINE AND SAID RIGHT-OF-WAY LINE 15.00 FEET; THENCE NORTH 87°52'19" EAST 252.68 FEET; THENCE NORTH 02°07'41" WEST 4.00 FEET; THENCE SOUTH 87°52'19" WEST 176.79 FEET; THENCE NORTH 66°51'39" WEST 41.32 FEET; THENCE SOUTH 87°51'43" WEST 38.53 FEET TO THE INTERSECTION WITH SAID EAST RIGHT-OF-WAY LINE OF PALM AVENUE AND SAID WEST LINE OF PARCEL 1; THENCE NORTH 02°08'16" WEST ALONG SAID EAST RIGHT-OF-WAY LINE 18.17 FEET TO THE NORTH LINE OF SAID PARCEL 1; THENCE SOUTH 87°48'47" WEST ALONG THE NORTH LINE OF SAID PLAT OF "CEDARWOOD COMMERCIAL – SHERIDAN AND PALM" 12.00 FEET; THENCE NORTH 02°08'17" WEST ALONG SAID EAST RIGHT-OF-WAY LINE 43.87 FEET; THENCE SOUTH 24°38'17" EAST 37.94 FEET; THENCE SOUTH 02°08'17" EAST 11.98 FEET; THENCE NORTH 87°51'43" EAST 39.37 FEET; THENCE SOUTH 66°51'39" EAST 31.17 FEET; THENCE NORTH 02°07'41" WEST 110.67 FEET; THENCE NORTH 87°52'19" EAST 15.00 FEET; THENCE SOUTH 02°07'41" EAST 115.00 FEET; THENCE NORTH 87°52'19" EAST 185.36 FEET; THENCE SOUTH 02°07'41" EAST 19.00 FEET; THENCE NORTH 87°52'19" EAST 10.50 FEET; THENCE SOUTH 02°08'17" EAST 685.36 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED SOUTH LINE OF PARCEL 1; THENCE SOUTH 87°50'33" WEST ALONG SAID SOUTH LINE AND SAID NORTH RIGHT-OF-WAY LINE 15.00 FEET TO THE POINT OF BEGINNING. SAID EASEMENT CONTAINING 26,257 SQUARE FEET.

FILE: CEDARWOOD DEVELOPMENT

SCALE: N/A

ORDER NO.: 53053-1B

DATE: 07-15-10

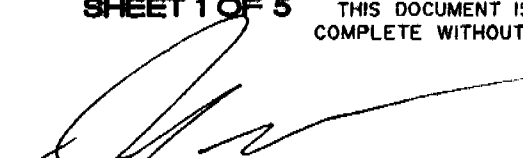
UTILITY EASEMENT (WATER + SEWER)

BROWARD COUNTY, FLORIDA

FOR: CVS SITE #3109

SHEET 1 OF 5

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 5


 JOHN P. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
 BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136



SKETCH AND LEGAL DESCRIPTION

BY

PULICE LAND SURVEYORS, INC.

3381 NOB HILL ROAD
SUNRISE, FLORIDA 33351


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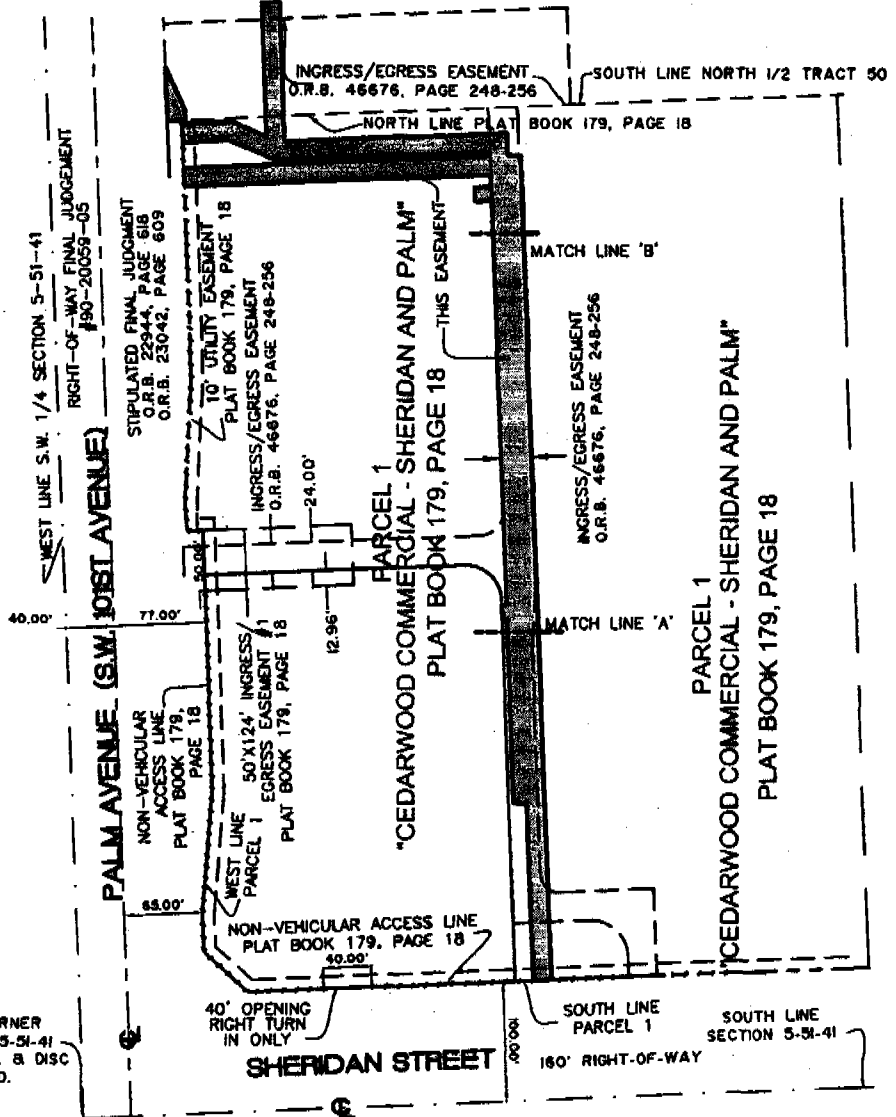
E-MAIL: surveys@pulicelandssurveyors.com CERTIFICATE OF AUTHORIZATION LB23670



PORTION OF TRACT 50, SECTION 5, "THE EVERGLADES SUGAR AND LAND CO.
SUBDIVISION OF SECTIONS 4, 5, 8, 9, 16, 17, 20, 21,
28, 29, 32 AND 33 TWP. 51 SO. RANGE 41 EAST"
PLAT BOOK 2, PAGE 75 MIAMI-DADE COUNTY RECORDS

NOTES:

- 1) BEARINGS ARE BASED ON THE SOUTH LINE OF PARCEL 1.
- 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) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.
- 5)  DENOTES: CENTERLINE.
- 6) BCR DENOTES BROWARD COUNTY RECORDS



LOCATION MAP



S.W. CORNER SECTION 5-51-41 FOUND NAIL & DISC NO ID.

FILE: CEDARWOOD DEVELOPMENT
SCALE: NOT TO SCALE
ORDER NO.: 53053-1B
DATE: 07-15-10
UTILITY EASEMENT (WATER + SEWER)
BROWARD COUNTY, FLORIDA
FOR: CVS SITE #3109

SHEET 2 OF 5 THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 5



SKETCH AND LEGAL DESCRIPTION

BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LBE3870



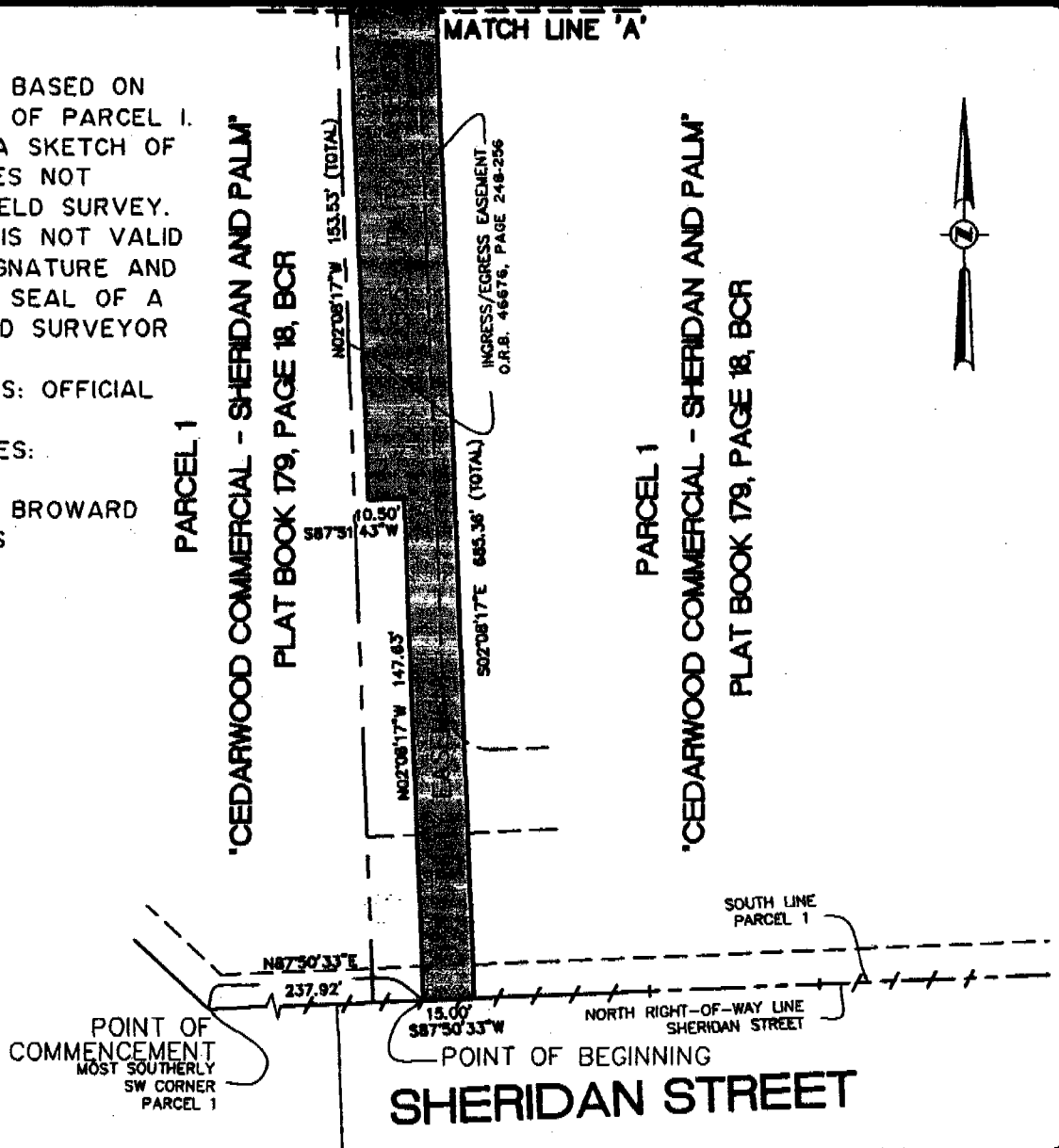
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- 4) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.
- 5) **C** DENOTES: CENTERLINE.
- 6) BCR DENOTES BROWARD COUNTY RECORDS

PARCEL 1
"CEDARWOOD COMMERCIAL - SHERIDAN AND PALM"
PLAT BOOK 179, PAGE 18, BCR

PARCEL 1
"CEDARWOOD COMMERCIAL - SHERIDAN AND PALM"
PLAT BOOK 179, PAGE 18, BCR

MATCH LINE 'A'



FILE: CEDARWOOD DEVELOPMENT

SCALE: 1"=50'

ORDER NO: 53053-1B

DATE: 07-15-10

UTILITY EASEMENT (WATER + SEWER)

BROWARD COUNTY, FLORIDA

FOR: CVS SITE #3109

SHEET 3 OF 5

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 5



SKETCH AND LEGAL DESCRIPTION

BY

PULICE LAND SURVEYORS, INC.


5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

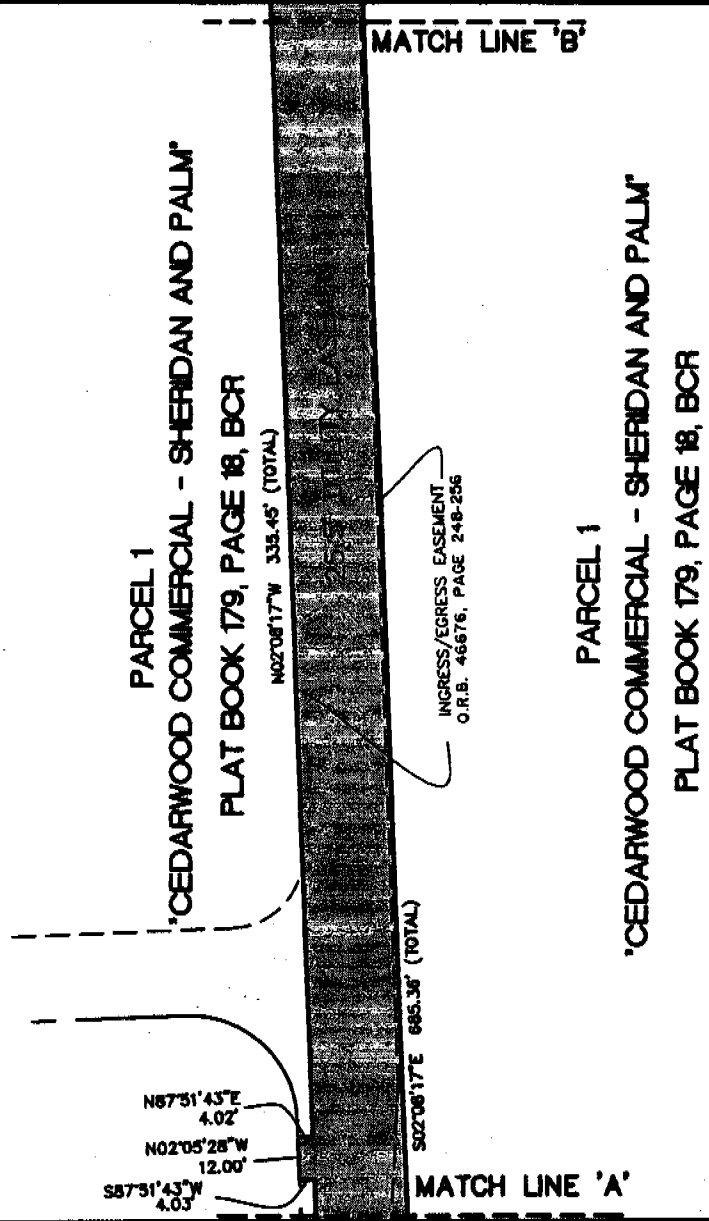
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LBE3870



NOTES:

- 1) BEARINGS ARE BASED ON THE SOUTH LINE OF PARCEL 1.
- 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) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.
- 5)  DENOTES: CENTERLINE.
- 6) BCR DENOTES BROWARD COUNTY RECORDS



FILE: CEDARWOOD DEVELOPMENT

SCALE: 1"=50'

ORDER NO.: 53053-1B

DATE: 07-15-10

UTILITY EASEMENT (WATER + SEWER)

BROWARD COUNTY, FLORIDA

FOR: CVS SITE #3109

SHEET 4 OF 5

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 5



SKETCH AND LEGAL DESCRIPTION

BY

PULICE LAND SURVEYORS, INC.


5351 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveya@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LBE3670



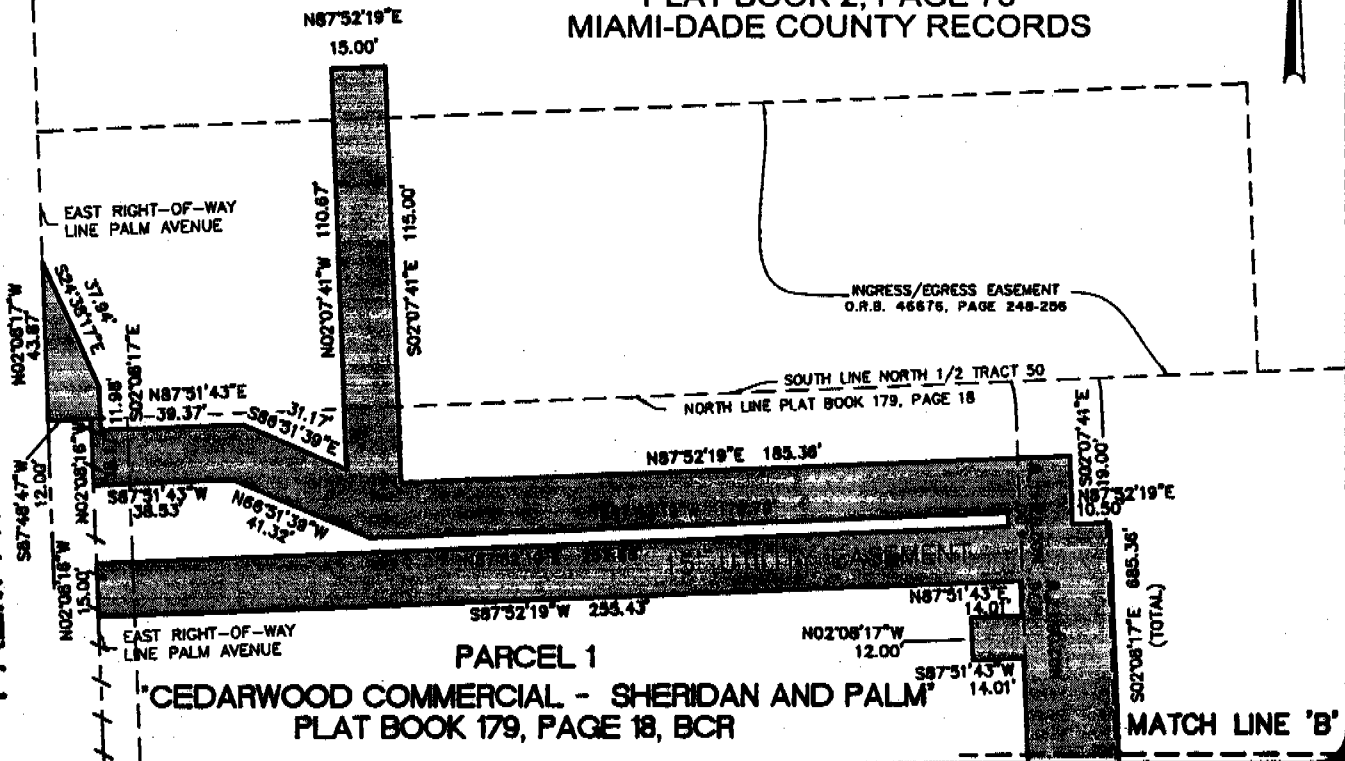
NOTES:

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- 5)  DENOTES: CENTERLINE.
- 6) BCR DENOTES BROWARD COUNTY RECORDS

PORTION OF TRACT 50, SECTION 5,
"THE EVERGLADES SUGAR AND LAND CO.
SUBDIVISION OF SECTIONS 4, 5, 8, 9, 16, 17, 20, 21,
28, 29, 32 AND 33 TWP. 51 SO. RANGE 41 EAST"
PLAT BOOK 2, PAGE 75
MIAMI-DADE COUNTY RECORDS



PALM AVENUE (S.W. 101ST AVENUE)



FILE: CEDARWOOD DEVELOPMENT

SCALE: 1"=50'

ORDER NO.: 53053-1B

DATE: 07-15-10

UTILITY EASEMENT (WATER + SEWER)

BROWARD COUNTY, FLORIDA

FOR: CVS SITE #3109

SHEET 5 OF 5 THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 5

Prepared By:

Scott J. Fuerst, Esq.
Ruden, McClosky P.A.
200 East Broward Boulevard
Suite 1500
Ft. Lauderdale, Florida 33301

Return To:

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PUBLIC WATER AND SEWER EASEMENT

THIS PUBLIC WATER AND SEWER EASEMENT (the "Easement") is made this 21 day of April, 2010, by and between PALM AND SHERIDAN ASSOCIATES, L.L.C., an Ohio limited liability company ("Grantor"), whose post office address is 1765 Merriman Road, Akron, Ohio 44313, and the CITY OF COOPER CITY, a municipal corporation organized and existing under the laws of the State of Florida, ("Grantee"), whose post office address is P.O. Box 290910, Cooper City, Florida 33329-0910.

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, and the successors and assigns, wherever the context so admits or requires.)

WITNESSETH

WHEREAS, Grantor is the owner of that certain property located in Broward County, Florida, as more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Servient Estate"); and

WHEREAS, Grantee desires to obtain from Grantor and Grantor desires to grant unto Grantee a perpetual non-exclusive easement to use a portion of the Servient Estate for the installation and maintenance of public water and sewer lines.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, Grantor hereby agrees as follows:

RM:7508488:1

1. **Recitations.** The foregoing recitations are true and correct and are incorporated herein by this reference.

2. **Grant of Easement.** Grantor hereby grants and conveys to Grantee and its successors and assigns, a perpetual non-exclusive easement over, across and upon the Servient Estate for the purpose of installing and maintaining public water and sewer lines.

3. **Reservation of Rights by Grantor.** Grantor reserves all rights not herein expressly granted to Grantee including, but not limited to, the right of free ingress and egress under, over and upon the Servient Estate and to grant further easements, public and private, under, over and upon the Servient Estate; provided, however, in no event shall any of the rights herein reserved to Grantor impede the easement herein granted or the exercise of the rights of use described herein.

4. **Obstructions.** Grantor shall not, without the prior written consent of Grantee, which consent shall not be unreasonably withheld, conditioned, or delayed, construct any improvements in the Servient Estate other than roadway pavement and adjacent curbs, berms, landscaping, dividers, medians, signage and any other improvements required by applicable governmental authorities in connection with the development of the property adjacent to the Servient Estate. Notwithstanding the foregoing, Grantee may remove such improvements in order to install, maintain, repair or replace its water and sewer lines provided that Grantee replaces the improvements so removed within a reasonable time after completion of its work on the Servient Estate at Grantee's expense.

5. **Ownership of Utility Improvements.** All utility line improvements installed from time to time pursuant to this Easement by Grantee or on behalf of Grantee shall be the property of Grantee.

6. **Binding Effect.** The provisions of this Easement shall be a covenant running with and binding upon the Servient Estate and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

7. **Amendment.** This Easement may not be modified, amended, or terminated without the prior written approval of the owner of the Servient Estate and the Grantee and such document shall be executed with the same formalities as this Easement.

8. **Attorney's Fees and Costs.** In connection with any litigation arising out of this Easement, the prevailing party shall be entitled to recover all reasonable attorneys' fees and costs through all trial, appellate and post-judgment proceedings and arbitration proceedings.

9. Governing Law. This Easement shall be governed by and construed in accordance with the laws of the State of Florida.

10. Recording. Grantee shall record this document in the Public Records of Broward County, Florida.

11. Captions. The captions and paragraph headings contained in this Easement are for reference and convenience only and in no way define, describe, extend, or limit the scope or intent of this Easement, nor the intent of the provisions hereof.

IN WITNESS WHEREOF, Grantor has executed this Easement effective as of the day and year first above written and, by its acceptance hereof, Grantee has agreed to the terms and provisions hereof.

Signed, sealed and delivered
in the presence of:

PALM AND SHERIDAN ASSOCIATES, L.L.C.

By: M.P. Asset Co., Ltd., an Ohio limited liability
company, its Managing Member

By: Anthony A. Petrarca Trust No. VII,
its Managing Member

Jennifer R. Green
Print Name: Jennifer R. Green
Mary Beth Grace
Print Name: Mary Beth Grace

By: [Signature]
Name: Andrew R. Duff, Trustee

APPROVALS	
BUSINESS	LEGAL <u>5/12/12</u>
DATE	DATE <u>5-20-12</u>

STATE OF OHIO)
) SS:
COUNTY OF SUMMIT)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Andrew R. Duff, Trustee of Anthony A. Petrarca Trust No. VII, the Managing Member of M.P. Asset Co., Ltd., an Ohio limited liability company, the Managing Member of PALM AND SHERIDAN ASSOCIATES, L.L.C., an Ohio limited liability company, freely and voluntarily under authority duly vested in him by said trust. He is personally known to me or has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 21 day of July, 2010.

Jennifer R. Green
Notary Public

Typed, printed or stamped name of Notary Public

My Commission Expires:



Jennifer R. Green
Resident Stark County
Notary Public, State of Ohio
My Commission Expires: 08/30/2014



SKETCH AND LEGAL DESCRIPTION
BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33361

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LBE3870



LEGAL DESCRIPTION:

A PORTION OF PARCEL 1, "CEDARWOOD COMMERCIAL - SHERIDAN AND PALM", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 179, PAGE 18, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID PARCEL 1, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF SHERIDAN STREET; THENCE NORTH 87°50'33" EAST ALONG THE SOUTH LINE OF SAID PARCEL 1 AND SAID NORTH RIGHT-OF-WAY LINE FOR 223.14 FEET; THENCE NORTH 02°05'28" WEST 301.18 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87°51'43" WEST 13.24 FEET; THENCE NORTH 02°08'17" WEST 12.00 FEET; THENCE NORTH 87°51'43" EAST 13.25 FEET; THENCE SOUTH 02°05'28" EAST 12.00 FEET TO THE POINT OF BEGINNING. SAID EASEMENT CONTAINING 159 SQUARE FEET.

FILE: CEDARWOOD DEVELOPMENT

SCALE: N/A

ORDER NO.: 53053-1A

DATE: 07-15-10


UTILITY EASEMENT (WATER + SEWER)

BROWARD COUNTY, FLORIDA

FOR: CVS SITE #3109

SHEET 1 OF 3

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 3.


 JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
 BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136



SKETCH AND LEGAL DESCRIPTION

BY
PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351


TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

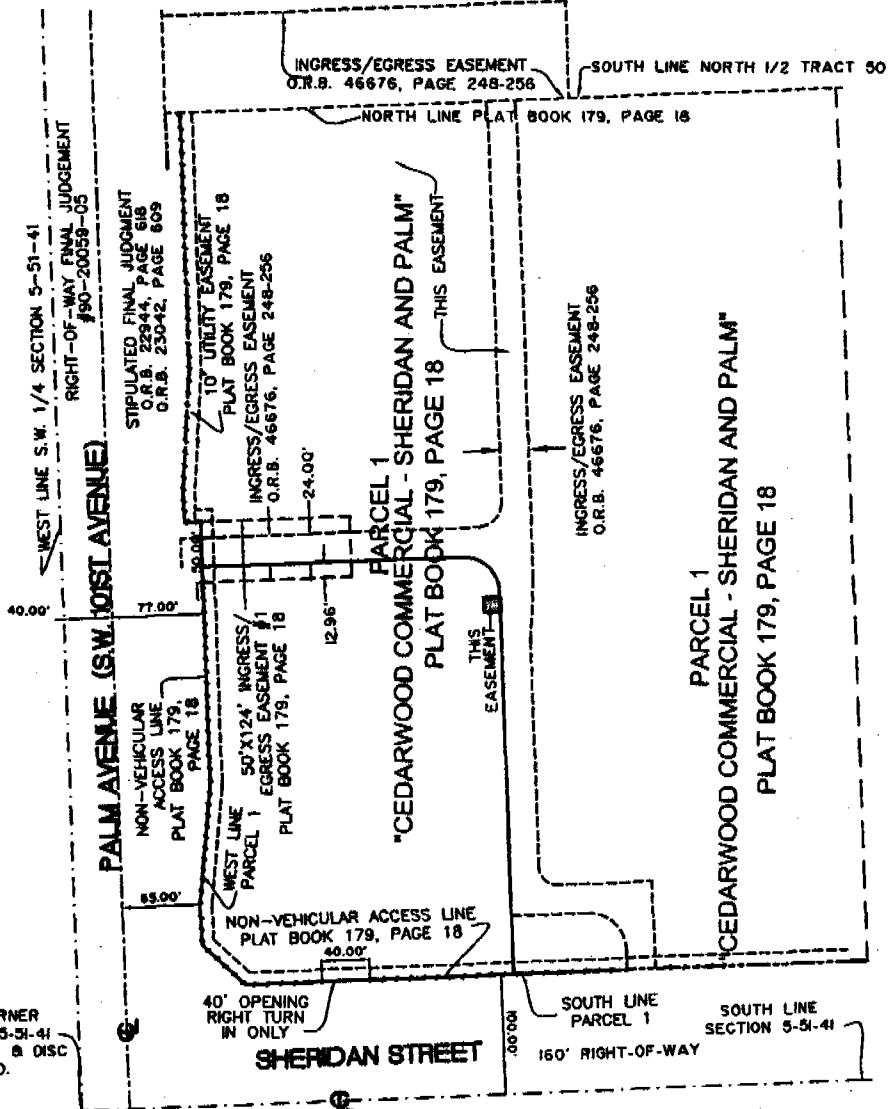
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB23870



PORTION OF TRACT 50, SECTION 5, "THE EVERGLADES SUGAR AND LAND CO.
SUBDIVISION OF SECTIONS 4, 5, 8, 9, 16, 17, 20, 21,
28, 29, 32 AND 33 TWP. 51 SO. RANGE 41 EAST"
PLAT BOOK 2, PAGE 75 MIAMI-DADE COUNTY RECORDS

NOTES:

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- 4) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.
- 5)  DENOTES: CENTERLINE.
- 6) BCR DENOTES BROWARD COUNTY RECORDS



LOCATION MAP



S.W. CORNER
SECTION 5-51-41
FOUND NAIL & DISC
NO ID.

FILE: CEDARWOOD DEVELOPMENT

SCALE: NOT TO SCALE

ORDER NO: 53053-1A

DATE: 07-15-10

UTILITY EASEMENT (WATER + SEWER)

BROWARD COUNTY, FLORIDA

FOR: CVS SITE #3109

SHEET 2 OF 3

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 3.



SKETCH AND LEGAL DESCRIPTION

BY

PULICE LAND SURVEYORS, INC.


5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

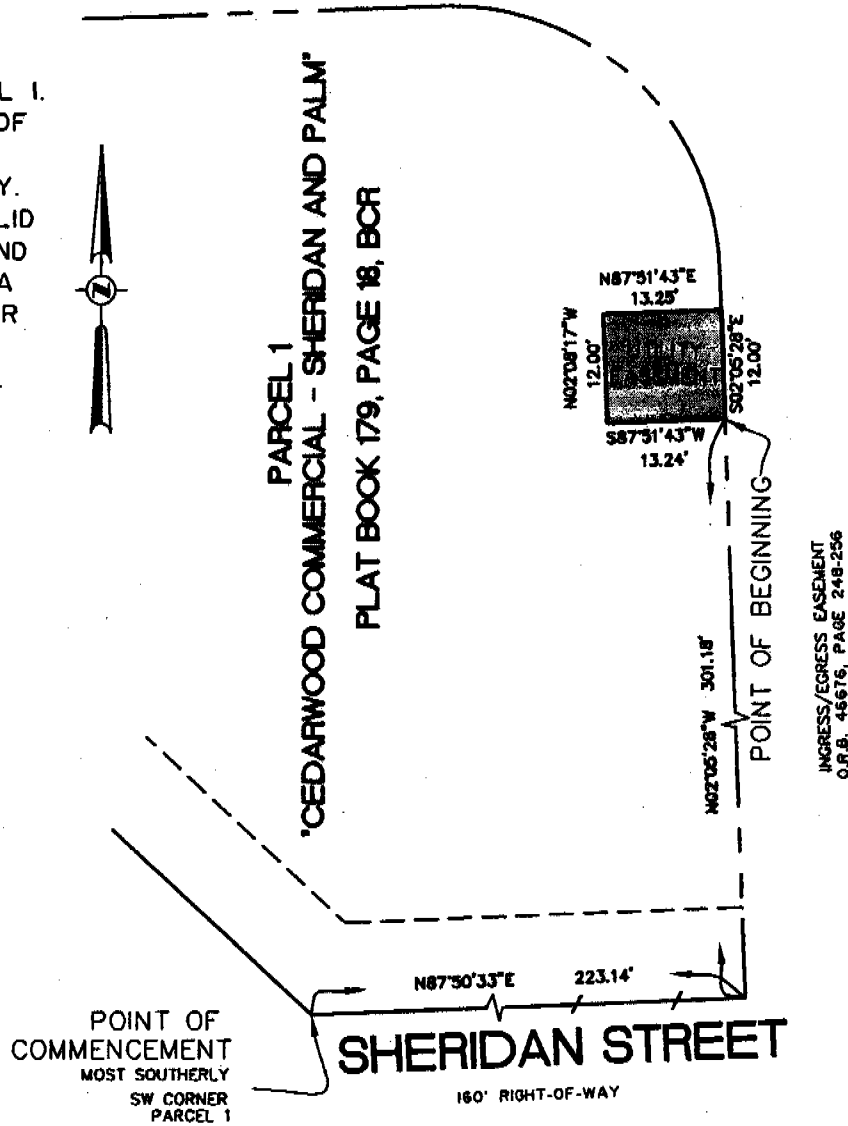
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB23870



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- 5)  DENOTES: CENTERLINE.
- 6) BCR DENOTES BROWARD COUNTY RECORDS



FILE: CEDARWOOD DEVELOPMENT
SCALE: 1"=20'
ORDER NO.: 53053-1A
DATE: 07-15-10
UTILITY EASEMENT (WATER + SEWER)
BROWARD COUNTY, FLORIDA
FOR: CVS SITE #3109

SHEET 3 OF 3. THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 3.

Prepared By:

Scott J. Fuerst, Esq.
Ruden, McClosky P.A.
200 East Broward Boulevard
Suite 1500
Ft. Lauderdale, Florida 33301

Return To:

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

LIFT STATION EASEMENT

THIS LIFT STATION EASEMENT (the "Easement") is made this 20 day of July, 2010, by and between **FIRST BAPTIST CHURCH OF SOUTHWEST BROWARD, INC.**, a Florida not-for-profit corporation ("Grantor"), whose post office address is 9910 N.W. 29th Court, Hollywood, Florida 33024, and the **CITY OF COOPER CITY**, a municipal corporation organized and existing under the laws of the State of Florida, ("Grantee"), whose post office address is P.O. Box 290910, Cooper City, Florida 33329-0910.

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, and the successors and assigns, wherever the context so admits or requires.)

WITNESSETH

WHEREAS, Grantor is the owner of that certain property located in Broward County, Florida, as more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Servient Estate"); and

WHEREAS, Grantee desires to obtain from Grantor and Grantor desires to grant unto Grantee a perpetual non-exclusive easement to use a portion of the Servient Estate for the installation and maintenance of a lift station serving the public.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, Grantor hereby agrees as follows:

RM:7508489:1

1. **Recitations.** The foregoing recitations are true and correct and are incorporated herein by this reference.

2. **Grant of Easement.** Grantor hereby grants and conveys to Grantee and its successors and assigns, a perpetual non-exclusive easement over, across and upon the Servient Estate for the purpose of installing and maintaining a lift station to provide sewer service to the public.

3. **Reservation of Rights by Grantor.** Grantor reserves all rights not herein expressly granted to Grantee including, but not limited to, the right of free ingress and egress under, over and upon the Servient Estate and to grant further easements, public and private, under, over and upon the Servient Estate; provided, however, in no event shall any of the rights herein reserved to Grantor impede the easement herein granted or the exercise of the rights of use described herein.

4. **Obstructions.** Grantor shall not, without the prior written consent of Grantee, which consent shall not be unreasonably withheld, conditioned, or delayed, construct any improvements in the Servient Estate other than roadway pavement and adjacent curbs, berms, landscaping, dividers, medians, signage and any other improvements required by applicable governmental authorities in connection with the development of the property adjacent to the Servient Estate. Notwithstanding the foregoing, Grantee may remove such improvements in order to install, maintain, repair or replace its water and sewer lines provided that Grantee replaces the improvements so removed within a reasonable time after completion of its work on the Servient Estate at Grantee's expense.

5. **Ownership of Utility Improvements.** All components of the lift station including, but not limited to, equipment, sewer lines and connections installed from time to time pursuant to this Easement by Grantor, Grantee or on behalf of Grantee shall be the property of Grantee.

6. **Binding Effect.** The provisions of this Easement shall be a covenant running with and binding upon the Servient Estate and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

7. **Amendment.** This Easement may not be modified, amended, or terminated without the prior written approval of the owner of the Servient Estate and the Grantee and such document shall be executed with the same formalities as this Easement.

8. **Attorney's Fees and Costs.** In connection with any litigation arising out of this Easement, the prevailing party shall be entitled to recover all reasonable attorneys' fees and costs through all trial, appellate and post-judgment proceedings and arbitration proceedings.

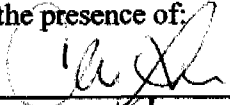
9. **Governing Law.** This Easement shall be governed by and construed in accordance with the laws of the State of Florida.


10. **Recording.** Grantee shall record this document in the Public Records of Broward County, Florida.

11. **Captions.** The captions and paragraph headings contained in this Easement are for reference and convenience only and in no way define, describe, extend, or limit the scope or intent of this Easement, nor the intent of the provisions hereto.

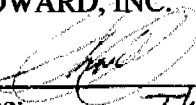
IN WITNESS WHEREOF, Grantor has executed this Easement effective as of the day and year first above written and, by its acceptance hereof, Grantee has agreed to the terms and provisions hereof.

Signed, sealed and delivered
in the presence of:


Print Name: Chris Lunn


Print Name: Isabel Villacis

FIRST BAPTIST CHURCH OF SOUTHWEST
BROWARD, INC.

By: 
Name: Thomas J. Odain
Title: Pastor / President

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Thomas J. Adom, the President of FIRST BAPTIST CHURCH OF SOUTHWEST BROWARD, INC., a Florida not-for-profit corporation, freely and voluntarily under authority duly vested in him by said corporation. He is personally known to me or has produced drivers license as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 20 day of July, 2010.

NOTARY PUBLIC-STATE OF FLORIDA
Maria Vilanova
Commission # DD839855
Expires: NOV. 19, 2012
BONDED THRU ATLANTIC BONDING CO., INC.



Maria Vilanova
Notary Public
MARIA VILANOVA
Typed, printed or stamped name of Notary Public

My Commission Expires: Nov. 19, 2012



SKETCH AND LEGAL DESCRIPTION

BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LBE3870



LEGAL DESCRIPTION:

A PORTION OF PARCEL 1, "CEDARWOOD COMMERCIAL - SHERIDAN AND PALM", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 179, PAGE 18, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND A PORTION OF TRACT 50, SECTION 5 "THE EVERGLADES SUGAR AND LAND CO. SUBDIVISION OF SECTIONS 4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32 AND 33 TWP. 51 SO. RANGE 41 EAST" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 75 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL 1; THENCE NORTH 87°48'47" EAST ALONG THE NORTH LINE OF SAID PARCEL 1 FOR 25.01 FEET TO THE POINT OF BEGINNING ; THENCE NORTH 02°09'04" WEST 0.70 FEET; THENCE NORTH 87°50'19" EAST 25.00 FEET; THENCE SOUTH 02°08'27" EAST 25.00 FEET; THENCE SOUTH 87°50'19" WEST 25.00 FEET; THENCE NORTH 02°09'04" WEST 24.30 FEET TO THE POINT OF BEGINNING. SAID EASEMENT CONTAINING 625 SQUARE FEET.

FILE: CEDARWOOD DEVELOPMENT

SCALE: N/A

ORDER NO.: 53053-2

DATE: 07-06-10

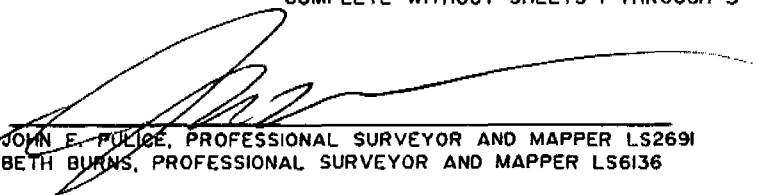
LIFT STATION EASEMENT

BROWARD COUNTY, FLORIDA

FOR: CVS SITE #3109

SHEET 1 OF 3

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 3


 JOHN E. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
 BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136



SKETCH AND LEGAL DESCRIPTION

BY **PULICE LAND SURVEYORS, INC.**

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351


TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

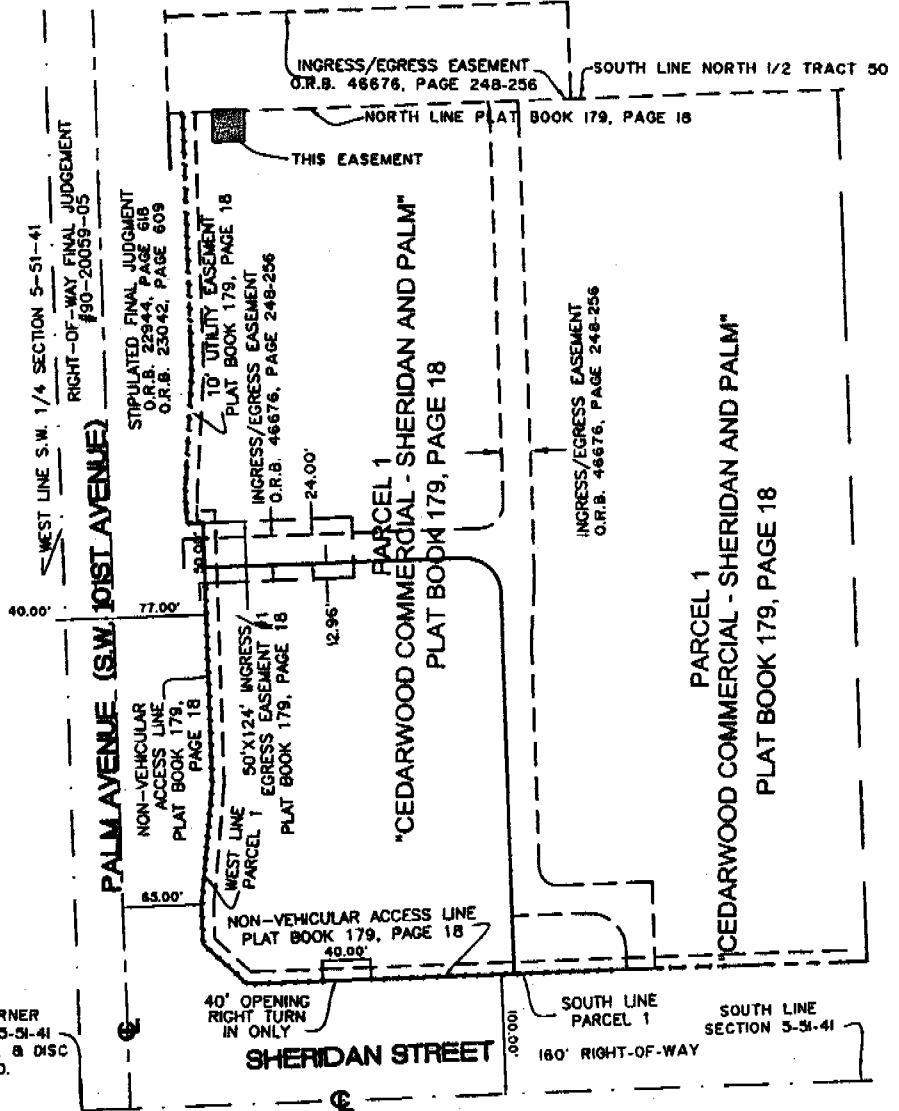
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PORTION OF TRACT 50, SECTION 5, "THE EVERGLADES SUGAR AND LAND CO.
SUBDIVISION OF SECTIONS 4, 5, 8, 9, 16, 17, 20, 21,
28, 29, 32 AND 33 TWP. 51 SO. RANGE 41 EAST"
PLAT BOOK 2, PAGE 75 MIAMI-DADE COUNTY RECORDS

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- 6) BCR DENOTES BROWARD COUNTY RECORDS



LOCATION MAP



S.W. CORNER
SECTION 5-51-41
FOUND NAIL & DISC
NO ID.

FILE: CEDARWOOD DEVELOPMENT

SCALE: NOT TO SCALE

ORDER NO.: 53053-2

DATE: 07-06-10

LIFT STATION EASEMENT

BROWARD COUNTY, FLORIDA

FOR: CVS SITE #3109

SHEET 2 OF 3

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SKETCH AND LEGAL DESCRIPTION

BY
PULICE LAND SURVEYORS, INC.


5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

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PORTION OF TRACT 50, SECTION 5,
"THE EVERGLADES SUGAR AND LAND CO.
SUBDIVISION OF SECTIONS 4, 5, 8, 9, 16, 17, 20, 21,
28, 29, 32 AND 33 TWP. 51 SO. RANGE 41 EAST"
PLAT BOOK 2, PAGE 75
MIAMI-DADE COUNTY RECORDS

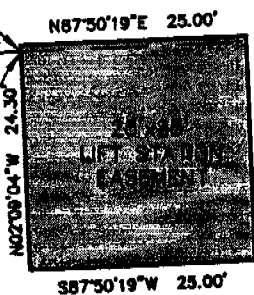


PALM AVENUE
(S.W. 101ST AVENUE)

POINT OF COMMENCEMENT
NW CORNER
PARCEL 1

N02°09'04"W 0.70'
N87°48'47"E 25.01'

POINT OF BEGINNING



S87°50'19"W 25.00'

SOUTH LINE NORTH 1/2 TRACT 50

NORTH LINE PARCEL 1

PARCEL 1
"CEDARWOOD COMMERCIAL - SHERIDAN AND PALM"
PLAT BOOK 179, PAGE 18, BCR

FILE: CEDARWOOD DEVELOPMENT

SCALE: 1"=20'

ORDER NO.: 53053-2

DATE: 07-06-10

LIFT STATION EASEMENT

BROWARD COUNTY, FLORIDA

FOR: CVS SITE #3109

SHEET 3 OF 3

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 3

July 20, 2010

Mr. Jim Molaschi
Assistant Utility Director
City of Cooper City
11791 Southwest 49th Street
Cooper City, Florida 33330

**RE: CVS PHARMACY, STORE #3109
SHERIDAN STREET AND PALM AVENUE
CT&A PROJECT NO. 06-106.B01.01**

CRIVEN THOMPSON



& ASSOCIATES INC.

Engineers
Planners
Surveyors

Dear Mr. Molaschi:

This letter shall serve as the final costs of the water and sewer for the above-referenced project.

Lift Station	\$112,000.00
Water Distribution System	\$133,380.00
Sanitary Sewer System	\$188,298.00

The total water distribution and sanitary sewer cost, including the lift station, is \$433,678.00.

Should you require any additional information, please do not hesitate to contact us.

Sincerely,

CRIVEN THOMPSON & ASSOCIATES, INC.

ROBERT CONNORS, P.E.

Senior Engineer
Florida Registration No. 41863
Florida Licensed Business Engineering, No. 271

DAS/wg

cc: Chris Lawrence, Cedarwood Development Co.

3563 N.W. 53rd Street
Fort Lauderdale, FL 33309-6311
(954) 739-6400
Fax (954) 739-6409

West Palm Beach

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COOPER CITY UTILITIES DEPARTMENT MEMORANDUM

DATE: August 11, 2010

TO: Bruce Loucks, City Manager

FROM: Michael F. Bailey, P.E., Utilities Director/City Engineer *MB*

SUBJECT: **Acceptance of Utility Easements (Water & Sewer) & Lift Station
CVS Pharmacy Store #3109 (Sheridan Street and Palm Avenue)
10001 Sheridan Street**

This is a recommendation to accept ownership of the water and sewer, and lift station utility easements constructed in association with the CVS Pharmacy, Store # 3109, (Sheridan Street and Palm Avenue) 10001 Sheridan Street, Cooper City.

The water and sewer system, and lift station for CVS Store #3109 was built in accordance with the City's engineering standards and is determined to be acceptable by the office of the City Engineer. Attached are a Bill of Sale, Public (Water & Sewer) & Lift Station Easements and Engineer's Opinion of Cost Estimate.

Please place this matter on the next City Commission Agenda for their approval and acceptance.

Attachments

cc: Susan Poling, City Clerk/Dir. Admin. Svc



**Cooper City Commission Meeting
Agenda Item Request Form**

Date: August 11, 2010

Requesting Commissioner/Department: Utilities

Commission Regular Meeting Date: October 12, 2010

Commission Workshop Meeting Date: _____

AGENDA

Presentation Consent Regular

BACKGROUND & RECOMMENDATION (attach backup material to Item Request Form)

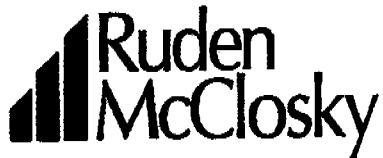
This is a recommendation to accept ownership of the water and sewer, and lift station utility easements for CVS Pharmacy, Store #3109, (Sheridan St. & Palm Ave.), 10001 Sheridan Street, Cooper City.

GENERAL LEDGER ACCOUNT NUMBER(S) AND AMOUNT(S)

N/A

APPROVALS:

Finance Director  City Manager  City Clerk _____



200 EAST BROWARD BOULEVARD
SUITE 1600
FORT LAUDERDALE, FLORIDA 33301

POST OFFICE BOX 1800
FORT LAUDERDALE, FLORIDA 33302

(954) 781-2813
FAX: (954) 333-4113
HOPE.CALHOUN@RUDEN.COM

June 30, 2010

VIA E-MAIL

Matt Wood
Growth Management Director
City of Cooper City
9090 S.W. 50th Place
Cooper City, FL 33329

Re: Franklin Charter School - Palm Avenue and Sheridan Street

Dear Matt:

My client has authorized me to submit this correspondence to you regarding the above. Specifically, this letter shall serve to clarify two points:

1. The charter school will not utilize 98th Street (located east of the school and adjacent to Lake Marantha Estates); and
2. The school will operate with a full time school resource deputy ("SRD"). The SRD will direct traffic during standard drop off times in the mornings and pick up times in the afternoon. During school hours the SRD will remain on campus.

Thank you for your time and consideration. Please contact me with any comments or questions.

Very truly yours,

Hope W. Calhoun

HWC/bab

cc: Trevor Markley (via e-mail)
Hernan Leonoff (via e-mail)
Pam Butler (via e-mail)
Gus Bogomolni (via e-mail)
Marcello Saiegh (via e-mail)
Tom Rogers (via e-mail)

RM:7484369:1

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APR 22 2010

PLANNING & ZONING DEPARTMENT
CITY OF COOPER CITY
 9090 SW 50 PLACE – P.O. Box 290910 – Cooper City, Florida 33329-0910
 Phone: (954) 434-4300, ext. 251 – Fax: (954) 680-1439

Growth Management Department

CONDITIONAL USE APPLICATION

***** PETITIONER MUST BE PRESENT BOARD MEETINGS
IN ORDER FOR ACTION TO BE TAKEN *****

Date Filed: 9/30/09

INSTRUCTIONS TO APPLICANT:

1. Please complete all questions on the application. If not applicable, indicate with N/A.
2. A completed GENERAL APPLICATION must accompany this application.
3. Provide required attachments as shown on the attached checklist.
4. Make Checks Payable to the City of Cooper City.

CONDITIONAL USE REQUEST

Provide a brief description of proposed uses(s) including density/intensity and summary of request and attach additional sheet(s) as necessary:

The Applicant is requesting a conditional use approval to allow a charter school on a ⁶ acre parcel adjacent to Palm Avenue. The proposed charter school is consistent with the conditional use criteria as documented in the attached Justification.

ADJACENT PROPERTIES

Adjacent Property	Adjacent Use Designation	Zoning Designation	Existing Use(s) of Property
NORTH	E	A-1* (*County)	Brian Piccolo Park
SOUTH	E	A-1* (*County)	Agriculture
EAST	E	A-1* (*County)	Single Family, Agriculture
WEST	LM	PRD	Residential (Embassy Lakes, single family)

- If adjacent land supports a previous approval by the City of Cooper City, please include a brief description of the approved square footage or number of dwelling units.

II. APPROVAL STANDARDS

A conditional use permit shall not be considered an entitlement, and shall be granted by the City Commission only if the Commission finds that all of the following standards are met. The burden of proof in demonstrating that the standards have been met shall be on the applicant. No conditional use permit shall be granted if the Commission finds any one or more of the following standards are not met.

Please address all of the following standards in order to justify the conditional use permit. (Provide responses on separate sheets and attach to this application).

RM:6827338:1

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CITY OF COOPER CITY - Planning & Zoning Department - Conditional Use Application
 9090 SW 50 Place - P.O. Box 290910 - Cooper City, Florida 33329-0910

V. SUBMITTAL CHECKLIST

QTY	REQUIRED	YES (✓)
1	Completed Original General Application	✓
1	Completed Original Conditional Use Application	✓
1	Certificate of Title, property deed or other proof of ownership	
14	Scaled - Signed Surveys	✓
14	Plats, if property is Platted	✓
14	Site Plans or Statements of Intent of proposed use of property (Check with Staff)	✓
14	Aerials Photos of subject site clearly delineating site boundary lines	✓
14	Subject Site Maps clearly delineating site boundary lines with adjacent and nearby street names labeled	✓
14	Justification Statements	✓
1	List of names & addresses of property owners in the of 300'	
1	Set of Mailing Envelopes (with labels already on the envelopes)	
1	Radius Map from Property Appraisers Office showing 300' radius on tax map	

STAFF USE ONLY

Petition #: CU 9-1-09 Staff Intake By: JASON CHACKLEW

Intake Date: 9/30/09

Requests:

Application Sufficient

(Date)

5/12/10 Tom Markley
TOM MARKLEY



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Growth Management
Department

JUSTIFICATION

BROWARD CHARTER BR COOPER CITY, LLC ("Broward Charter") is the contract purchaser of a 9-acre parcel on the east side of Palm Avenue and approximately 1,200 feet north of Sheridan Street ("Property") located in the City of Cooper City ("City"). The Property has a land use plan designation of Estate Residential and is currently zoned County A-1 (Agriculture). Broward Charter is requesting Conditional Use approval on the Property in order to develop a charter school that will accommodate up to 1,400 students. Concurrently Broward Charter is requesting that the Property be rezoned from County A-1 to the City X-1 (Civic). As explained in further detail below, the proposed charter school is consistent with the City's Comprehensive Plan, is compatible with adjacent uses and serves the public interest.

(1) Nature of use. The nature and characteristics of the proposed use or structure is consistent with the type of use or structure authorized as a conditional use in the zoning district in which located.

Broward Charter is requesting that the Property be rezoned from County A-1 to City X-1 in conjunction with this application for conditional use approval. The X-1 zoning district is designed for civic and community facilities and permits schools as a conditional use. The proposed use meets all of the criteria specified in the land development code and zoning code related to the X-1 district and school facilities. In addition, the proposed school is consistent with the criteria for approval of a conditional use as documented below.

(2) Plan compliance. The proposed use conforms to the provisions of the city's comprehensive plan.

The proposed charter school is consistent with the adopted Cooper City Comprehensive Plan. The Future Land Use Designation for this Property is Estate, and as stated in the Future Land Use Element, Section 3.02(a)(6) of City's Comprehensive Plan, a school is a permitted use within this land use designation. The proposed charter school is specifically consistent with the following:

The Policy 1.1.2

The City shall allow those uses permitted within each land use category listed in this Future Land Use Element for each parcel in the city so designated on the adopted Future Land Use

Objective 1.12

RM:6827447:2



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In coordination with the Broward County School Board, Cooper City has made, and will continue to make every effort to provide sufficient land on the Future Land Use Map and within the City's Land Development Code proximate to residential development to meet the projected needs for schools and to seek opportunities to collocate appropriate public facilities with educational facilities. .

Policy 1.12.1

The City will work with the School Board to plan and establish, if necessary, future school sites in Cooper City and ensure adequate lands are available, proximate to neighborhoods, during the planning period to meet the needs of the City.

Policy 1.12.2

Broward County, its local governments and the School Board of Broward County shall explore and evaluate opportunities for collocation and shared use of school facilities and civic and recreation facilities during their capital improvement planning processes and other processes as provided for in the ILA.

(3) Ordinance Compliance. The proposed use complies with all applicable regulations, including any specific standards for the proposed use set forth in this land development code.

Broward Charter has submitted a site plan for the charter school concurrent with this request for conditional use approval. The site plan is designed to meet all standards set forth in the land development code related to schools. Broward Charter is not requesting any variances related to the conditional use.

(4) Compatibility. The proposed use is compatible with adjacent uses, in terms of use, building height, bulk, scale, setback, open spaces, landscaping, drainage; access and circulation.

The proposed charter school is compatible with other community facilities in the surrounding area including the proposed church facility to the south and Brian Piccolo Park to the north and east. This conditional use approval will provide for a community facility that will enhance the residential neighborhoods are located to the west. The site plan for the proposed church provides adequate areas for setbacks, open spaces, landscaping, drainage, access and circulation so as to not have any negative impacts on the surrounding uses.

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APR 30 2010

Growth Management
Department

(5) Traffic impact. The proposed use does not adversely affect the safety and convenience of vehicular and pedestrian circulation in the area, and will not result in a significant increase in traffic on any local residential street.

The Property is located adjacent to Palm Avenue, an arterial roadway, in the City. Therefore, this site provides appropriate access for a charter school site. The proposed development will not excessively increase automobile and vehicular traffic congestion over that which would have been generated by other uses permitted in the Estate land use category. During the plat and site plan approval process, Broward County and the City will review the proposed development plan for the Property to determine the appropriate access and vehicular traffic movements for the proposed development. In addition, Broward Charter will be required to address traffic concurrency for the proposed development and pay any necessary fees to mitigate any impact on the regional roadway network.

(6) Parking adequacy. The proposed use provides adequate and convenient off-street parking and loading facilities, and will not result in overflow parking on adjacent residential streets.

Broward Charter has submitted a site plan for the charter school concurrent with this request for conditional use approval. The site plan is designed to meet all standards set forth in the land development code related to schools including the parking requirements applicable to school facilities. Broward Charter is not requesting any parking variances related to the conditional use. Therefore, the charter school will provide adequate and convenient off-street parking and loading facilities. The site plan is designed and the school will function in a way that overflow parking will not occur on residential streets.

(7) Hazard protection. The proposed use reasonably protects persons and property from erosion, flooding, fire, noise, glare or similar hazards.

This conditional use approval will authorize development of a school which is a necessary public facility. The proposed school will enhance the City by providing a neighborhood school to improve the availability and school choice in the community. A charter school does not result in any inherent hazards related to erosion, flooding, fire, noise, glare or other similar hazards. Broward Charter has developed a site plan that meets all of the City's applicable code requirements so that this school will be an asset to the community.

RM:6827447:2





THE CITY OF

Someplace Special

BROWARD COUNTY, FLORIDA

P.O. BOX 290910
9090 Southwest 50th Place
Cooper City, Florida 33329-0910
(954) 434-4300 • Fax (954) 434-5099
coopercityhall@coopercityfl.org

Debby Eisinger, Mayor
Lisa Mallozzi, Commissioner
John Sims, Commissioner
Neal de Jesus, Commissioner
James C. Curran, Commissioner
Bruce D. Loucks, City Manager

October 18, 2010

Board of County Commissioners
Broward County Records Division
Recording Section
115 S. Andrews Avenue, Room 114
Fort Lauderdale, FL 33301

To Whom It May Concern:

Enclosed please find one (1) City of Cooper City Resolution No. 10-10-3 Issuing a Conditional Use Petition #CU 9-1-09 for Cooper City Franklin School. Please return documents once recorded in the enclosed, self-addressed stamped envelopes.

Please Note: It is imperative for our bill tracking purposes that each recording remains with its stamped, addressed envelope and is billed individually. We appreciate your detailed attention to this request.

Please contact the undersigned if you have any questions or require additional information.

Sincerely,

Tina Hudson
Assistant City Clerk
(954)434-4300 ext 220
Enclosures



RESOLUTION NO, 10-10-3

A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, ISSUING A CONDITIONAL USE PETITION #CU 9-1-09 FOR COOPER CITY FRANKLIN SCHOOL, 2800 NORTH PALM AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the petitioner (the "Petitioner") for the Cooper City Franklin School has submitted a Conditional Use Petition #CU 9-1-09 for a K-8 Charter School use in a X-1 Zoning District; and

WHEREAS, a Public Hearing on this request was held by the Planning & Zoning Board on May 17, 2010, after due notice of publication; and

WHEREAS, the Planning & Zoning Board has submitted to the City Commission their recommendation, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the City Commission held a Public Hearing on this request on October 12, 2010, after due notice of publication.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:

Section 1; That the Petitioner for the Cooper City Franklin School is hereby granted the Conditional Use Petition #CU 9-1-09 to permit K-8 Charter School use in a X-1 Zoning District, subject to each of the conditions approved by the City Commission, and pursuant to the provisions of Section 23-62 of the Municipal Code of Ordinances.

Section 2; That this Resolution shall be in full force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 12" DAY OF OCTOBER, A.D., 2010.

BBY EIS R Mayor

ROLL CALL

Mayor Eisinger Commissioner Mallozzi Commissioner Sims Commissioner de Jesus
Commissioner Curran

Additional Conditions of Approval

For Agenda items:

In connection with the City Commission's reconsideration of the Applications (Site Plan, Plat, and Conditional Use), Broward Charter BR Cooper City, LLC (the "Applicant") hereby offers the following as additional conditions of approval:

1. Work with Broward County to lengthen 2 of the existing turn lanes on Palm Avenue between Stirling Road and Sheridan Street to 300 feet. Said turn lanes are identified on the attached Exhibit "A".
2. Reduce the maximum student enrollment from 1340 to 1200.
3. With all due diligence, pursue the opportunity to operate a charter school which will target students for admission within a 3.5 mile radius of the property in accordance with Florida Statute Section 1002.33(10)(e)(4). Should the School Board not approve the implementation of the targeted approach listed above, the Applicant may pursue the construction of a charter school on the Property without any targeted radius for student admissions.
4. Provide a school resource officer. Said officer shall be the same sheriff's deputy previously agreed to who shall also serve as a traffic control officer.
5. Request permission to install a no u-turn sign at the median described on the attached Exhibit "A".
6. Provide 3 separate shifts for student arrival and dismissal times.
7. Provide crossing guards at appropriate locations.

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