

**PINELLAS PLANNING COUNCIL  
AGENDA MEMORANDUM**

**AGENDA ITEM:** IV C.

**MEETING DATE:** January 20, 2010

**SUBJECT:**

Warranty Deed for Special Density Transfers – City of Clearwater

**RECOMMENDATION:**

Council Authorize Transmittal To The Countywide Planning Authority With Recommendation To Approve The Form As Requested By The City

**I. BACKGROUND**

The Countywide Rules were recently amended to require that a local government provide for a recording mechanism for the transfer of development rights in a form approved by the Countywide Planning Authority (Sec. 4.2.7.2.1 J).

The City of Clearwater has submitted a form entitled “Special Density Transfer Warranty Deed” that they request be approved by the CPA for the City’s use in recording such transfers. (See Attached Letter and Form)

Council staff and legal counsel have reviewed the form and recommend the Council authorize transmittal to the CPA for approval.

**II. ATTACHMENTS**

Attachment 1 Letter from Michael Delk, Planning Director, City of Clearwater and Accompanying Special Density Transfer Warranty Deed Form

**PINELLAS PLANNING COUNCIL ACTION:**

**COUNTYWIDE PLANNING AUTHORITY ACTION:**



PLANNING DEPARTMENT

# CITY OF CLEARWATER

POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748  
MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE, CLEARWATER, FLORIDA 33756  
TELEPHONE (727) 562-4567 FAX (727) 562-4865

Received

DEC 07 2009

Pinellas Planning  
Council

December 3, 2009

Mr. David Healey, AICP  
Executive Director  
Pinellas Planning Council, Suite 850  
600 Cleveland Street  
Clearwater, FL 33755


Re: Special Density Transfer Warranty Deed

Dear Dave:

As you know, the City of Clearwater has had a number of cases in which development rights were transferred. Our local regulations require that the transfers be recorded, and as such, have developed our own format for recording them. Recent changes to the *Countywide Plan Rules* Section 4.2.7.2.1 J require that such instruments be in a form acceptable to the Countywide Planning Authority. We hereby submit the form that we have been using, and request that it be found acceptable to the Countywide Planning Authority.

Thank you for your assistance in this matter.

Sincerely,



Michael Delk, AICP  
Planning Director

MD/CWP/S/Corres/PPC/TDRWarrantyDeedPermisio



PREPARED BY AND RETURN TO:  
(insert preparer's name/address)

**SPECIAL DENSITY TRANSFER WARRANTY DEED**

THIS INDENTURE made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between \_\_\_\_\_ ("Grantor"), whose mailing address is \_\_\_\_\_, and \_\_\_\_\_ ("Grantee"), whose post office address is \_\_\_\_\_.

**WITNESSETH:**

WHEREAS, Grantor by Deed recorded on (insert date) in (insert OR Book and Page), Public Records of Pinellas County, Florida did acquire (insert number of units) of density and development rights for (insert type of unit) ("TDRs") from (insert name of seller), which density and development rights were allocated to the real property described in Exhibit "A" attached hereto and incorporated herein ("Sender Site").

Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained and sold to Grantee, and Grantee's heirs, successors and assigns forever, the following described property situated in Pinellas County, Florida:

Density and development rights comprised of \_\_\_\_\_ (type) units currently allocated to the land described on Exhibit "A" attached hereto and incorporated herein ("Sender Site"), which are to be used in connection with the development of property located at (insert address), Clearwater, Florida, and more particularly described in Exhibit "B" attached hereto and incorporated herein ("Receiver Site").

SUBJECT to applicable land use and zoning restrictions and to easements, reservations and restrictions of record, if any, which are specifically not reimposed or extended hereby, and to taxes for the year 20\_\_ and subsequent years.

THIS IS NOT THE HOMESTEAD OF THE GRANTOR.

Grantor does hereby fully warrant the title to the property transferred and represents to Grantee that it has clear unencumbered title to the TDRs and that said TDRs have not been previously used, exercised or transferred by it to another and it will defend the same against the lawful claims of all persons claiming by, through or under Grantor.

The tax parcel numbers for the aforescribed property are set forth on Exhibits "A" and "B". The tax identification number of the Grantee is \_\_\_\_-\_\_\_\_\_.

Grantor does hereby acknowledge that the Sender Site in perpetuity no longer has, appurtenant thereto, development rights for the TDRs hereby transferred and does hereby covenant with respect to the Sender Site that it shall be restricted in perpetuity

with a reduction of \_\_\_\_\_ (\_\_\_\_) units of density that are entitled to be developed thereon. This restriction and covenant shall run with title to the Sender Site in perpetuity.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered  
In the presence of:

(NAME OF CORPORATION)  
a Florida corporation

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
(print name and title)

(Corporate seal)

\_\_\_\_\_  
Print Name: \_\_\_\_\_

STATE OF FLORIDA    )  
COUNTY OF PINELLAS )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, as President of \_\_\_\_\_, a Florida corporation, who is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

\_\_\_\_\_  
(Print, type, or Stamp Commissioned Name of Notary Public)

**EXHIBIT "A"**

SENDER SITE:

Legal Description

**EXHIBIT "B"**

RECEIVER SITE

Legal Description

**CONSENT OF MORTGAGEE**  
(IF APPLICABLE)

\_\_\_\_\_, a \_\_\_\_\_ chartered bank, in its capacity as Administrative Agent for certain lenders ("Mortgagee") as holder of Mortgage [and \_\_\_\_\_] dated \_\_\_\_\_ as recorded in Official Records Book \_\_\_\_\_ Page \_\_\_\_\_ in the Public Records of Pinellas County, Florida (the "Mortgage"), hereby consents to the execution and delivery of the Special Density Transfer Warranty Deed from \_\_\_\_\_ (Grantor) to \_\_\_\_\_ (Grantee) which transfers density and development rights as to \_\_\_\_\_ (type) units currently allocated to the land encumbered by the Mortgage and hereby releases from lien of the Mortgage and other security instruments held by Mortgagee, the density and development rights as to the \_\_\_\_\_ (type) units conveyed by such deed.

(NAME OF CORPORATION)  
a Florida corporation

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
(print name and title)

\_\_\_\_\_  
Print Name: \_\_\_\_\_

STATE OF FLORIDA    )  
COUNTY OF PINELLAS )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, as President of \_\_\_\_\_, a Florida corporation, who is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

\_\_\_\_\_  
(Print, type, or Stamp Commissioned Name of Notary Public)