

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, MAKING CERTAIN FINDINGS; DESIGNATING REAL ESTATE PARCELS TO BE DEVELOPED FOR WATERFRONT DINING AND ENTERTAINMENT AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80(2)(b), FLORIDA STATUTES, FOR REHABILITATION AND REDEVELOPMENT FOR THE PURPOSES OF SECTIONS 376.77 – 376.86, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida has provided, in Ch. 97-277, Laws of Florida, which is codified at Ch. 376.77 – 376.85, Florida Statutes, for the designation by resolution, including at the request of the person who owns or controls one or more real estate parcels, of a "brownfields area" comprised of such real estate parcels, to provide for their environmental remediation and redevelopment and to promote economic development and revitalization generally; and

WHEREAS, P.D.K.N. P-4, LLC ("PDKN P-4") owns several parcels of land as depicted on Exhibit A with legal descriptions as set forth on Exhibit B (hereafter referred to as the "Bokamper's Sports Bar & Grille Site" and intends to develop them to provide waterfront dining and entertainment; and

WHEREAS, P.D.K.N. Holdings, LLC ("PDKN"), an affiliate of PDKN P-4's has requested that the City Commission of the City of Fort Lauderdale, Florida designate the Bokamper's Sports Bar & Grille Site as a "brownfield area" pursuant to Section 376.80(2)(b), Florida Statutes; and

WHEREAS, the City has reviewed the relevant criteria that apply in designating a "brownfield area," as specified in Ch. 376.80(2)(b), Florida Statutes, and has determined and finds that the Bokamper's Sports Bar & Grille Site qualifies for designation as a "brownfield area" because the following requirements have been satisfied;

1. P.D.K.N. Holdings, LLC owns and/or controls the real estate parcels proposed for designation and has agreed to rehabilitate and redevelop them; and

2. The rehabilitation and redevelopment of the Bokamper's Sports Bar & Grill Site will result in economic productivity in the area along with the creation of at least five new permanent jobs; and
3. The redevelopment of the Bokamper's Sports Bar & Grill Site is consistent with the City's comprehensive plan and is a permissible use under the City's Zoning and Land Development Code; and
4. Proper notice of the proposed rehabilitation of the Bokamper's Sports Bar & Grill Site has been provided to neighbors and nearby residents, and P.D.K.N. Holdings, LLC has provided those receiving notice the opportunity to provide comments and suggestions regarding the rehabilitation; and
5. P.D.K.N. Holdings, LLC has provided reasonable assurance that it has sufficient financial resources to implement and complete a rehabilitation agreement and redevelopment plan; and

WHEREAS, the City desires to notify the Florida Department of Environmental Protection of its resolution designating the Bokamper's Sports Bar & Grill Site a "brownfield area" to further its rehabilitation and redevelopment for purposes of Ch. 376.77 – 376.85, Florida Statutes; and

WHEREAS, the applicable procedures set forth in Ch. 376.80 and 166.041, Florida Statutes, have been followed, and proper notice has been provided in accordance with Ch. 376.80(1) and 166.041(3)(c)2, Florida Statutes;

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

SECTION 1. The City Commission of the City of Fort Lauderdale, Florida, finds the above recitals to be true and correct in their entirety.

SECTION 2. The City Commission finds that P.D.K.N. Holdings, LLC and the aforementioned site satisfy the criteria set forth in Ch. 376.80(2)(b), Florida Statutes.

SECTION 3. The City Commission designates the area depicted on Exhibit A with legal descriptions as set forth on Exhibit B, attached hereto and incorporated herein by reference, as a "brownfield area" for purposes of Ch. 376.77 – 376.85, Florida Statutes.

SECTION 4. The City Clerk is hereby directed to provide a copy of this resolution to the Florida Department of Environmental Protection.

SECTION 5. That this Resolution shall be in full force and effect upon final passage.

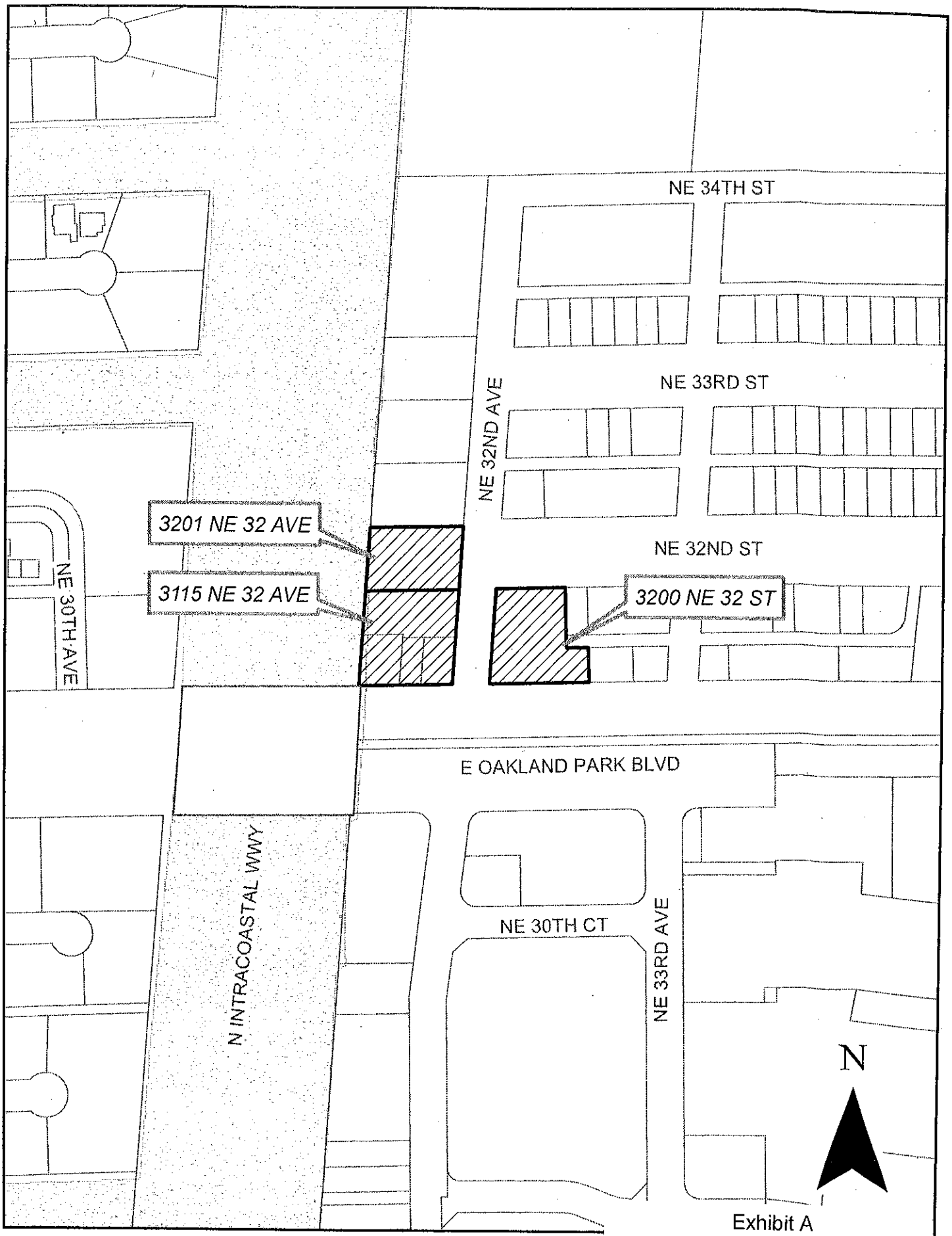
ADOPTED this the ____ day of _____, 2012.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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Subject Properties

Legal Description for Bokamper's Sports Bar & Grill
3115 NE 32nd Avenue, Fort Lauderdale, Florida 33308

PARCEL I:

LOTS 7 AND 8, BLOCK 1, OF GALT OCEAN MILE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, AT PAGE 16 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AND

LOT 1, OF BLOCK 5, GALT OCEAN MILE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 34, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PARCEL II:

LOTS 1, 2, 3 AND 4, BLOCK 1, GALT OCEAN MILE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AND

ALL OF THAT CERTAIN 10 FOOT ALLEY LYING IN BLOCK 1, GALT OCEAN MILE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 34, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND BEING BOUNDED AS FOLLOWS:

ON THE NORTH, BY THE SOUTH LINE OF LOT 4 OF SAID BLOCK 1; ON THE EAST, BY THE WEST RIGHT-OF-WAY LINE OF NORTHEAST 32ND AVENUE; ON THE SOUTH BY THE NORTH LINE OF LOTS 2 AND 3 OF SAID BLOCK 1, AND ON THE WEST BY THE EAST LINE OF LOT 1 OF SAID BLOCK 1.

AND

LOTS 2, 3, 4, 5 AND 6, BLOCK 5, GALT OCEAN MILE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 34, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PARCEL III:

LEASEHOLD INTEREST AS SET FORTH IN THAT CERTAIN LEASE RECORDED IN OFFICIAL RECORDS BOOK 20797, PAGE 1; AS AFFECTED BY RENEWAL OF SOVEREIGNTY SUBMERGED LANDS LEASE, RECORDED IN OFFICIAL RECORDS BOOK 28702, PAGE 967; AND ASSIGNMENT OF LEASEHOLD INTEREST, RECORDED IN OFFICIAL RECORDS BOOK 31578, PAGE 1515; AND SOVEREIGNTY SUBMERGED LANDS LEASE MODIFICATION TO REFLECT CHANGE OF OWNERSHIP, RECORDED IN OFFICIAL RECORDS BOOK 32094, PAGE 862; SOVEREIGNTY SUBMERGED LANDS LEASE RENEWAL, RECORDED IN OFFICIAL RECORDS BOOK 35126, PAGE 520; SOVEREIGNTY SUBMERGED LANDS LEASE MODIFICATION RECORDED IN OFFICIAL RECORDS BOOK 42849, PAGE 770; AND SOVEREIGNTY SUBMERGED LANDS LEASE RENEWAL

RECORDED IN OFFICIAL RECORDS BOOK 45366, PAGE 396, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PARCEL IV:

LOT 11, BLOCK 2, GALT OCEAN MILE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 34, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PARCEL V:

LOTS 5 AND 6, BLOCK 1 OF GALT OCEAN MILE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

BEING the same property which Altaire Village, L.L.C., a Delaware limited liability company, by Special Warranty Deed dated July 8, 2009, recorded July 22, 2009, at Official Records Book 46395, Page 1443, and re-recorded March 29, 2011, in Official Records Book 47812, Page 199, in the Commission Office of Broward County, Florida, granted and conveyed unto Capstone Realty, Inc., an Ohio corporation. The said Capstone Realty, Inc. merged with and is now known as Land Holding, LLC, a Delaware limited liability company, the grantor herein.