

RESOLUTION NO. 23-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING NOTICE DECLARING ITS INTENT TO CONVEY CITY OF FORT LAUDERDALE INTEREST IN AIR RIGHTS LOCATED ABOVE A PORTION OF THE REAL PROPERTY LOCATED AT 801 SEABREEZE BOULEVARD TO THE BAHIA MAR COMMUNITY DEVELOPMENT DISTRICT FOR PUBLIC PURPOSES PURSUANT TO SECTION 8.02 OF THE CITY CHARTER SUBJECT TO TERMS AND CONDITIONS; PROVIDING NOTICE OF A PUBLIC HEARING BEFORE THE CITY COMMISSION AT 6:00 PM ON JANUARY 9, 2024, OR AS SOON THEREAFTER AS CAN BE HEARD, FOR CONSIDERATION OF THE TERMS AND CONDITIONS AND TO AUTHORIZE EXECUTION OF THE CONVEYANCE INSTRUMENTS BY THE PROPER CITY OFFICIALS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale, Florida ("City") holds fee simple title to the property located at 801 Seabreeze Boulevard within the City of Fort Lauderdale as described on Exhibit "A" attached hereto and made a part hereof ("Property"); and

WHEREAS, Section 8.02 of the City Charter permits transfer of city-owned real property to "public bodies" for "public purposes"; and

WHEREAS, the City of Fort Lauderdale has received a petition to establish the Bahia Mar Community Development District ("CDD"); and

WHEREAS, the City of Fort Lauderdale intends to convey to the CDD the fee simple title to the air rights over a limited portion of the Property as described on Exhibit "B" attached hereto and made a part hereof ("Air Rights Parcel") for the construction of public parking within a parking garage and other uses; and

WHEREAS, the City Commission finds that such activity constitutes a public purpose.

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

SECTION 1. That the above recitals are true and correct and incorporated into this Resolution by this reference.

SECTION 2. That the City Commission of the City of Fort Lauderdale, Florida, pursuant to Section 8.02 of the City Charter, hereby declares its intention to convey the City of Fort Lauderdale's interest in the Air Rights Parcel to the CDD, a local unit of special-purpose government organized and existing pursuant to Chapter 190 of the Florida Statutes.

SECTION 3. That the City Commission declares that the transfer of interest in the Air Rights Parcel to the CDD is in the best interest of the City as the transfer will serve the public and provide a public benefit.

SECTION 4. That the transfer by the City to the CDD of the fee simple title to the Air Rights Parcel is subject to the following terms and conditions:

- a. All fees, costs and expenses associated with the transfer of the Air Rights Parcel shall be borne by the CDD.
- b. The City shall convey to the CDD fee simple title to the Air Rights Parcel by Quit Claim Deed.
- c. That prior to the execution of the Quit Claim Deed the CDD and the City shall enter into an Interlocal Agreement identifying public benefits and public improvements to be funded by the CDD in an amount equal to or exceeding One Million Dollars (\$1,000,000.00).

SECTION 4. That a Public Hearing shall be heard before the City Commission on **January 9, 2024, at 6:00 p.m.**, or as soon thereafter as can be heard, at The Parker, 707 NE 8th Street, Fort Lauderdale, Florida 33304, regarding the proposed transfer at which time citizens and taxpayers shall have the opportunity to object to the execution, form or conditions of the proposed transfer, and if the City Commission is satisfied with the terms and conditions of the proposed transfer, the Commission will pass a Resolution authorizing transfer of the Air Rights by the proper City Officials

SECTION 5. That the City Clerk shall cause this Resolution to be published in full in the official newspaper for two (2) issues, with the first publication at least ten (10) days before the date of such Public Hearing scheduled for **January 9, 2024**, and second publication one week after the first publication.

SECTION 6. That this Resolution shall be in full force and effect immediately upon and after its passage.

ADOPTED this ____ day of _____, 2023.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:

City Attorney
THOMAS J. ANSBRO

Dean J. Trantalis _____
John C. Herbst _____
Steven Glassman _____
Pamela Beasley-Pittman _____
Warren Sturman _____

EXHIBIT "A"
LEGAL DESCRIPTION

All that part of BAHIA MAR, according to the plat thereof recorded in Plat Book 35, page 39 of the public records of Broward County, Florida, lying West of the West right of way line of Seabreeze Boulevard, excepting therefrom Parcel No. 1 and also excepting the North 80 feet of Parcel No. 34.



McLAUGHLIN ENGINEERING COMPANY LB 285
A DIVISION OF CONTROL POINT ASSOCIATES, INC. LB 8137
 CUTTING EDGE SURVEYING * PLATTING * LAND PLANNING
 1700 N.W. 64th STREET #400, FORT LAUDERDALE, FLORIDA 33309
 PHONE: (954) 763-7611 * EMAIL: JHADDIX@CPASURVEY.COM



SKETCH AND DESCRIPTION
BAHIA MAR
CDD PODIUM AIRSPACE
SHEET 1 OF 2 SHEETS

LEGAL DESCRIPTION:

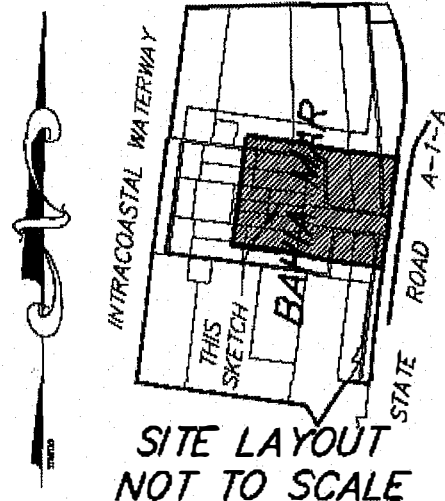
A portion of the Parcels and those certain 10.00 foot Walkways adjacent thereto and within said Parcels, BAHIA MAR, according to the plat thereof, as recorded in Plat Book 35, Page 39, of the public records of Broward County, Florida, above the ground level (preconstruction), Elevation= 3.5 feet, North American Vertical Datum 1988, more fully described as follows:

Commencing at the Northeast corner of Parcel 32, of said BAHIA MAR; thence South 05°24'49" East, a distance of 80.22 feet; thence North 88°51'31" East, a distance of 110.52 feet to a point on a curve; thence Southerly on the West right of way line of State Road A-1-A (Seabreeze Boulevard) the following four (4) courses and distances 1) thence Southerly on said curve to the right, whose radius point bears South 71°48'21" West, with a radius of 876.51 feet, a central angle of 24°37'04", an arc distance of 376.60 feet to a point of tangency; 2) thence South 06°25'25" West, a distance of 216.58 feet to the Point of Beginning; 3) thence continuing South 06°25'25" West, a distance of 9.63 feet; 4) to the end of said four (4) courses and distances; thence South 08°01'55" West, a distance of 465.71 feet; thence North 81°58'10" West, a distance of 669.51 feet; thence North 08°01'50" East, a distance of 475.33 feet; thence South 81°58'10" East, a distance of 669.24 feet to the Point of Beginning.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County Florida and containing 318,241 square feet or 7.3058 acres more or less.

NOTES:

- 1) This sketch reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Legal description prepared by McLaughlin Engineering Co.
- 3) This drawing is not valid unless sealed with an embossed surveyors seal.
- 4) THIS IS NOT A BOUNDARY SURVEY.
- 5) Bearings shown assume the North line of plat (35/39), as North 81°51'26" East.



CERTIFICATION

Certified Correct. Dated at Fort Lauderdale, Florida this 4th day of October, 2023.

McLAUGHLIN ENGINEERING COMPANY
 A DIVISION OF CONTROL POINT ASSOC. INC.

[Signature]
 JAMES M. McLAUGHLIN JR.
 Registered Land Surveyor No. LS4497
 State of Florida.

FIELD BOOK NO. _____

DRAWN BY: JMMjr

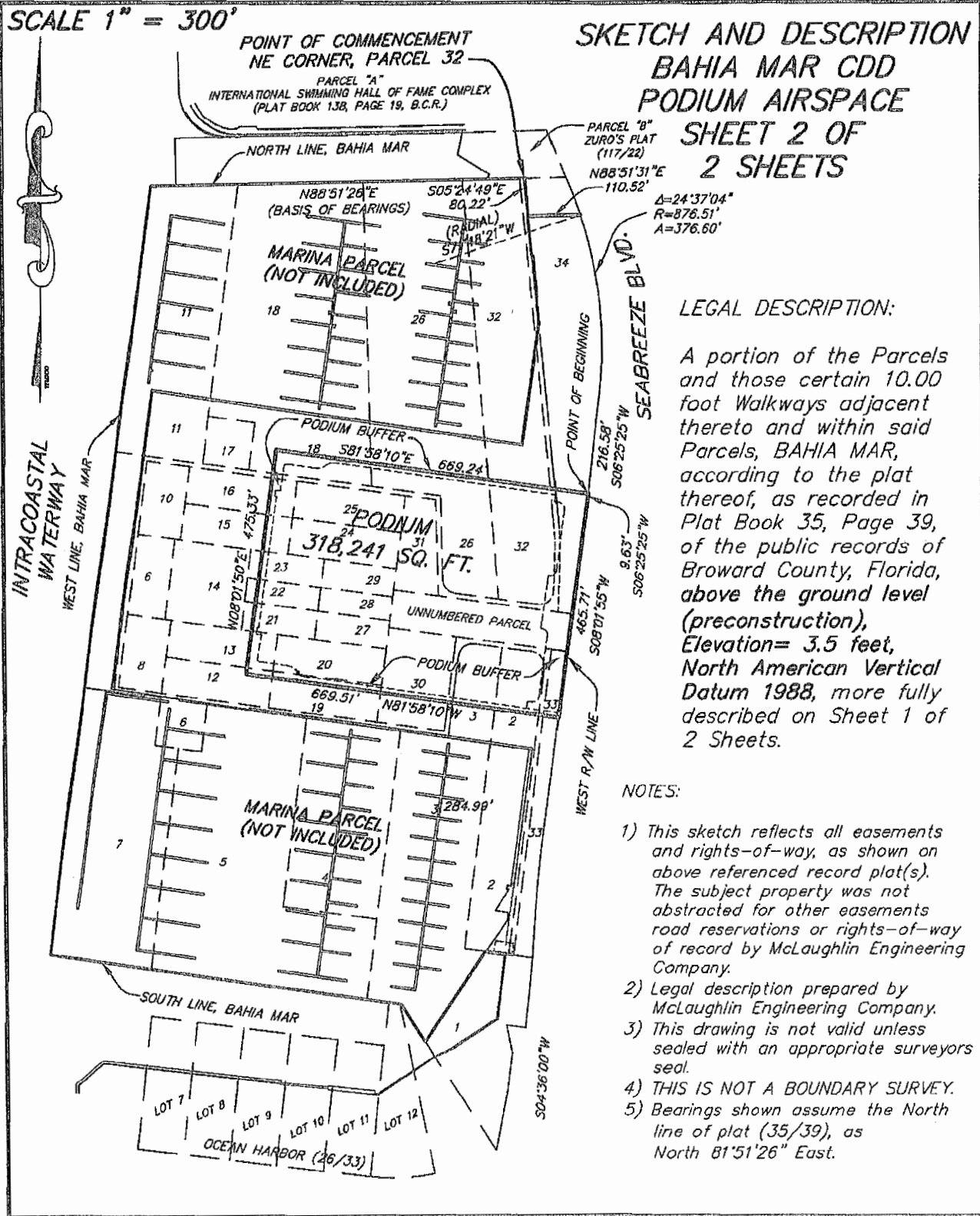
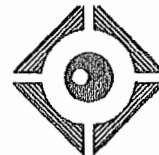
JOB ORDER NO. 230306 (BAHIA MAR)
 REF. DWG.: A-20(14), 97-3-134

CHECKED BY: C:\JMMjr\2023\ 230306 (BAHIA MAR)



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C: JMMjr/2023/ 230306 (BAHIA MAR)