

RESOLUTION NO. 23-57

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, DELEGATING AUTHORITY TO THE CITY MANAGER TO REQUEST THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") TO CONVEY ANY AND ALL OF ITS INTEREST IN THE CERTAIN PROPERTY AS ACQUIRED BY FDOT BY STIPULATED FINAL JUDGEMENT BEING IDENTIFIED IN THE SKETCHES & LEGAL DESCRIPTIONS ATTACHED TO THIS RESOLUTION LABELED AS EXHIBITS "A" & "B"; WHICH PROPERTY IS TO BE UTILIZED FOR THE PUBLIC PURPOSE OF RESTORING AND MAINTAINING THE WATERWAY OF THE OSCEOLA CREEK, A TRIBUTARY TO THE SOUTH FORK OF THE NEW RIVER; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the FDOT acquires real properties, including easement rights appurtenant thereto, for transportation facilities for the citizens of the State of Florida; and

WHEREAS, the FDOT is permitted by law to convey real property, including easement rights appurtenant thereto, that FDOT no longer needs and determines to be surplus to other public entities to further the public needs of the State of Florida; and

WHEREAS, the CITY can utilize FDOT's surplus real property and drainage easement rights over the real property described on the attached Exhibits "A" & "B" for the benefit of restoring and maintaining the waterway at Osceola Creek; and

WHEREAS, it is in the best interests of the citizens of the State of Florida to gain the most benefit from real properties and drainage easement rights appurtenant thereto which were acquired with public funds; and

WHEREAS the CITY is requesting that FDOT convey to the CITY surplus real property and drainage easement rights appurtenant thereto over the real property and drainage easement rights appurtenant thereto described in the attached Exhibits "A" & "B"; and

WHEREAS, the surplus real property and drainage easement rights appurtenant thereto are sought for the restoration and management of the Osceola Creek, a tributary of the South Fork of New River and is proposed to be conveyed to the CITY for the

public purpose of providing stormwater management pursuant to the CITY's Osceola Creek Project and would serve a valid municipal purpose.

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

SECTION 1. The foregoing recitals are true and correct and incorporated into this Resolution by reference.

SECTION 2. The CITY, by and through its City Manager, is hereby authorized to request FDOT to convey any and all surplus real property and drainage easement rights appurtenant thereto to the City pursuant to Section 337.25 (4) (b), Florida Statutes (2022), over the lands described in the attached Exhibits "A" & "B" without consideration, upon condition that said property rights must be utilized for public drainage purposes and that if said property ceases to be utilized for said public drainage purposes, any and all property interests in said property shall automatically revert back to FDOT.

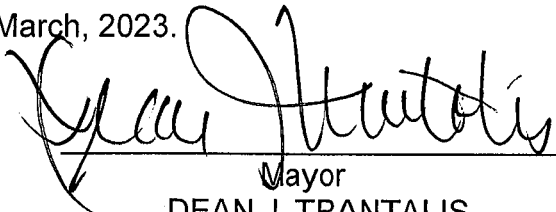
SECTION 3. The surplus real property and drainage easement rights appurtenant thereto to be conveyed by Quit Claim Deed to the CITY by FDOT will be used for the stormwater management which will be in the best interests of the general public for the CITY and will serve a valid municipal purpose.

SECTION 4. That all Resolutions or parts of Resolutions in conflict with this Resolution are hereby repealed.

SECTION 5. This Resolution shall be effective upon final adoption and execution by the proper public officials.

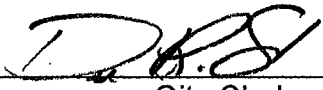
SECTION 6. Upon adoption of this Resolution, the City Clerk shall forward an executed copy of this Resolution to Carlos Martinez, Florida Department of Transportation, 3400 W. Commercial Blvd., Fort Lauderdale, FL 33309-3421, for further handling.

ADOPTED this 8th day of March, 2023.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN

Dean J. Trantalis Yea


John C. Herbst Yea

Steven Glassman Yea

Pamela Beasley-Pittman Yea

Warren Sturman Yea

APPROVED AS TO FORM:



Interim City Attorney
D'WAYNE SPENCE