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15-1384

DEED OF RELEASE

This instrument, a Deed of Release, made by the United States of America, Acting by and through the Administrator of the Federal Aviation Administration, Department of Transportation, under and pursuant to the powers and authority contained in the provisions of 49 U.S.C. §47153, to City of Fort Lauderdale, a body politic, created, operating, and doing business under the laws of the State of Florida, WITNESSETH:

WHEREAS, the United States of America, acting by and through the Federal Aviation Administration under and pursuant to authority contained in the provisions of 49 U.S.C. §47153, and applicable rules, regulations, and orders by an instrument of transfer entitled "Quitclaim Deed" dated March 11, 1947 did remise, release and forever quitclaim to City of Fort Lauderdale, its successors and assigns, all rights, title and interest in and to that certain property located and situated in Fort Lauderdale, Florida, subject to certain terms, conditions, reservations and restrictions, said Quitclaim Deed being recorded in the public records of Broward County, Florida, Deed Book No. 579, Pages 130 to 137 reference being hereto made as if fully set out herein; and

WHEREAS, the Airport Owner has requested the United States of America to release the hereinafter described real property from all of those terms, conditions, reservations and restrictions of the said instrument(s) of transfer; and

WHEREAS, the Administrator of the Federal Aviation Administration is authorized to grant releases pursuant to the powers and authority contained in 49 U.S.C. §47153; and

WHEREAS, by virtue of delegation of authority, the Manager, Orlando Airports District Office, Airports Division, Southern Region, Federal Aviation Administration, under and pursuant to the powers and authority contained in 49 U.S.C. §47153 is authorized to make determinations on requests for Deed of Release and to execute said Deeds of Release to convey, quitclaim or release any right or interest reserved to the United States of America by an instrument of disposal; and

WHEREAS, the Manager, Orlando Airports District Office, Airports Division, Southern Region, Federal Aviation Administration, has determined that the release of such real property as is hereinafter described, from all of the said terms, conditions, reservations and restrictions set forth in the above identified instrument of transfer will not prevent accomplishment of the purpose for which the property was made subject to such terms, conditions, reservations and restrictions and is necessary to protect or advance the interests of the United States of America in civil aviation.

NOW THEREFORE, for and in consideration of the above expressed recitals and of the benefits to accrue to the United States and to civil aviation, the United States of America, upon inclusion by the City of Fort Lauderdale in the Instrument of Transfer conveying title to the hereinafter described real property of provisions as follows:

(1) That the City of Fort Lauderdale reserves unto itself, its successors and assigns, for the use and benefit of the public a right of flight for the passage of aircraft in the airspace above the surface of the real property hereinafter described, together with the right to cause in said airspace such noise as may be inherent in the operations of aircraft, now known or hereafter used, for

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navigation of or flight in the said airspace, for use of said airspace for landing on, or taking off from or operating on Fort Lauderdale Executive Airport.

(2) That the City of Fort Lauderdale expressly agrees for itself, its successors and assigns, to restrict the height of structures, objects of natural growth and other obstructions on the hereinafter described real property to such a height so as to comply with Federal Aviation Regulations, Part 77.

(3) That the City of Fort Lauderdale Airport expressly agrees for itself, its successors and assigns, to prevent any use of the hereinafter described real property which would interfere with the landing or takeoff of aircraft at Fort Lauderdale Executive Airport or interfere with air navigation and or communication facilities serving Fort Lauderdale Executive Airport, or otherwise constitute an airport hazard, including wildlife hazards.

(4) Ensure that the City of Fort Lauderdale and their successors and assigns shall not permit/afford access from the subject property onto Fort Lauderdale Executive Airport property for aeronautical purposes.

HEREBY, releases the said real property from the terms, conditions, reservations, and restrictions as contained in the above-mentioned Instrument of Transfer from the United States of America to the City of Fort Lauderdale dated March 11, 1947 which real property is described as follows:

A PORTION OF TRACT 1, F-X-E PLAT, P.B. 119, P. 4, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

PARCELS 25, 26, and 27 COMBINED

COMMENCING AT THE MOST SOUTHERLY EAST CORNER OF SAID F-X-E PLAT; THENCE NORTH 02°04'39" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 12 AVENUE AND THE LIMITS OF SAID F-X-E PLAT, A DISTANCE OF 270.63 FEET; THENCE SOUTH 87°55'41" WEST, A DISTANCE OF 80.00 FEET TO THE WEST RIGHT OF WAY LINE OF SAID NORTHWEST 12 AVENUE AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 88°10'19" WEST, A DISTANCE OF 348.58 FEET; THENCE NORTH 51°34'11" WEST, A DISTANCE OF 410.54 FEET; THENCE NORTH 38°25'49" EAST, A DISTANCE OF 225.00 FEET; THENCE NORTH 57°16'49" WEST, A DISTANCE OF 525.86 FEET, THE LAST TWO DESCRIBED COURSES BEING ALONG THE SOUTHEASTERLY AND NORTHEASTERLY BOUNDARIES OF THE A RUNWAY PROTECTION ZONE (RPZ) OF FORT LAUDERDALE EXECUTIVE AIRPORT RUNWAY 13-31; THENCE NORTH 02°05'28" WEST, A DISTANCE OF 1742.31 FEET; THENCE SOUTH 87°54'32" WEST, A DISTANCE OF 70.00 FEET; THENCE NORTH 02°05'28" WEST, A DISTANCE OF 448.40 FEET; THENCE NORTH 83°25'05" EAST, ALONG A LINE PARALLEL WITH AND 750.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES, THE CENTERLINE OF FORT LAUDERDALE EXECUTIVE AIRPORT RUNWAY 8-26, A DISTANCE OF 1197.15 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF NORTHWEST 12 AVENUE, SAID POINT BEING ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST, WHOSE RADIUS POINT BEARS SOUTH 35°15'36" EAST FROM SAID POINT; THENCE SOUTHWESTERLY AND

SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 390.00 FEET, A CENTRAL ANGLE OF 56°50'34" AND AN ARC DISTANCE OF 386.92 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 02°04'39" EAST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 2697.48 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, CONTAINING 2,616,330 SQUARE FEET OR 60.0627 ACRES, MORE OR LESS.

TOGETHER WITH PARCEL 19-B

A PORTION OF TRACT 1, F-X-E PLAT, P.B. 119, P. 4, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST SOUTHERLY EAST CORNER OF SAID F-X-E PLAT; THENCE NORTH 02°04'39" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 12 AVENUE AND THE LIMITS OF SAID F-X-E PLAT, A DISTANCE OF 270.63 FEET; THENCE SOUTH 87°55'41" WEST, A DISTANCE OF 80.00 FEET TO THE WEST RIGHT OF WAY LINE OF SAID NORTHWEST 12 AVENUE AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 88°10'19" WEST, A DISTANCE OF 348.58 FEET; THENCE NORTH 51°34'11" WEST, A DISTANCE OF 410.54 FEET; THENCE SOUTH 38°25'49" WEST, A DISTANCE OF 118.88 FEET; THENCE SOUTH 46°58'55" EAST, A DISTANCE OF 258.18 FEET; THENCE SOUTH 42°34'19" WEST, A DISTANCE OF 59.31 FEET; THENCE SOUTH 02°00'27" EAST, A DISTANCE OF 72.70 FEET; THENCE SOUTH 45°51'33" EAST, A DISTANCE OF 169.23 FEET; THENCE NORTH 88°10'19" EAST, A DISTANCE OF 75.69 FEET; THENCE SOUTH 87°26'38" EAST, A DISTANCE OF 65.41 FEET, TO A POINT ON THE NORTH RIGHT-OF-WAY OF COMMERCIAL BOULEVARD; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY NORTH 88°10'19" EAST, A DISTANCE OF 40.77 FEET, TO A POINT OF TANGENCY OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2,460.00 FEET, A CENTRAL ANGLE OF 04°31'51" AND AN ARC DISTANCE OF 194.53 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTH; THENCE EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,340.00 FEET, A CENTRAL ANGLE OF 01°39'57" AND AN ARC DISTANCE OF 68.03 FEET TO THE POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE EASTERLY, NORTHEASTERLY AND NORTH ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 94°05'40" AND AN ARC DISTANCE OF 57.48 FEET; THENCE NORTH 02°04'39" WEST, NON-TANGENT TO THE LAST DESCRIBED CURVE, ALONG SAID WEST RIGHT-OF-WAY LINE OF NORTHWEST 12TH AVENUE, A DISTANCE OF 230.80 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, CONTAINING 185,477 SQUARE FEET OR 4.26 ACRES, MORE OR LESS.

This release is for the specific purpose of permitting City of Fort Lauderdale to sell and convey title to the above described property for commercial purposes.

By its acceptance of this Deed of Release City of Fort Lauderdale also covenants and agrees for itself, its successors and assigns, to comply with and observe all of the conditions and limitations hereof, which are expressly limited to the above described real property.

IN WITNESS WHEREOF, the United States of America has caused these presents to be executed in its name and on its behalf by the Manager, Orlando Airports District Office, Airports Division, Southern Region, Federal Aviation Administration, all as of the 6th day of July, 2015.

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION

By *Scott Womack*
Manager, Orlando Airports District Office
Airports Division, Southern Region
Federal Aviation Administration

Accepted:

City of Fort Lauderdale
By: *Lee R. Feldman*
Title: *City Manager*
Date: *7/6/15*



U.S. Department
of Transportation
**Federal Aviation
Administration**

CITY MANAGER

2015 JUL 10 PM 3: 25

Airports District Office
5950 Hazeltine National Drive,
Ste 400
Orlando, FL 32822

July 6, 2015

Lee R. Feldman, ICMA-CM
City Manager
City of Fort Lauderdale
100 N. Andrews Avenue
Fort Lauderdale, FL 33301

Release of Federal Surplus Property Obligations
Parcels 25, 26, 27 and 19B (a/k/a a portion of Tract 1 of F-X-E PLAT)

Dear Mr. Feldman:

This is in response to your letter dated April 29, 2015, requesting that 64.32 acres of federally obligated land be released from conditions of the Surplus Property Quitclaim Deed dated March 11, 1947. This property was transferred to the City of Fort Lauderdale under the authority of Surplus Property Act of 1944.

A release permitting the sale and disposal of real property transferred to the airport owner under the Surplus Property Act or 49 U.S.C. §47151 is only granted when it is clearly shown such property is no longer needed to directly support an airport purpose or activity and sale of such property will benefit civil aviation by producing an equal or greater benefit to the airport than continued retention of the land. Conversion of a real property asset into another form of asset, such as cash or physical improvements, can better serve the airport. This objective is not met unless an amount equal to the net sale proceeds based on the current fair market value (FMV) of the property is realized as a consequence of the release and such amount is committed to airport purposes.

Under 49 U.S.C. §47153(c), FAA is required to provide at least a 30-day notice to the public regarding the requested release. The required notice was published in the Federal Register on May 20, 2015.

We have concluded that this property, as legally described in the enclosed Deed of Release, meets the conditions mentioned previously for release. We have also concluded that the release and use of such land for commercial purposes will not interfere with the operation, maintenance or future development of the airport.

By accepting this release, the Airport Owner agrees to:

1. Follow the terms agreed to for the City to release and purchase Parcels 25, 26, 27 and 19B including:
 - a) An appraisal determined the properties at a net value of \$12,085,000. The City's General Fund shall make ten (10) equal payments to the Fort Lauderdale Executive Airport (Airport Fund) commencing on August 1, 2015 and every August 1st thereafter through and including August 1, 2024.

- b) Interest on outstanding principal shall be set at the 10-year Treasury Bill Rate on August 1, 2015. Interest will be simple and compounded annually.
2. After each payment is made (as specified in Number 1 above), the City will notify the FAA that the payment has been made, including the amount stated in principal and interest, and document the Fort Lauderdale Executive Airport's (Airport Fund) receipt of said payment.
 3. Maintain accurate records of the above listed expenditures in accordance with accepted business practices, and for three (3) years after the approved project is completed, keep the records open for inspection by the FAA at any time.
 4. Ensure that whoever the land is initially and subsequently conveyed to including the airport owner, they and their successors and assigns protect the rights and interests of the public in Fort Lauderdale Executive Airport and prevent any use of subject property that would constitute an airport hazard, including wildlife hazards.
 5. Update the Airport Layout Plan and Exhibit "A" Property Inventory Map upon acceptance of the release to reflect the new airport boundaries.
 6. Ensure that they and their successors and assigns retain, for the use and benefit of the public, the right of flight for the passage of aircraft in the airspace above the surface of the subject property, the right for existing and future aircraft to generate noise in that airspace, and the right to use the airspace to land on or take off from the airport.
 7. Ensure that they and their successors and assigns shall not permit/afford access from the subject property onto Fort Lauderdale Executive Airport property for aeronautical purposes.
 8. Return the land to the Fort Lauderdale Executive Airport and immediately notify the FAA if:
 - a) A payment specified under Number 1 above is delayed by 60 days; or
 - b) The final payment under Number 1 above is not made by October 1, 2024.

Returning the land to the Fort Lauderdale Executive Airport will terminate this release without further consideration paid to any party.

In consideration of these premises, the FAA agrees to release the Airport Owner from the obligations, terms, and conditions of the existing grant agreements as of the date of this agreement as they may relate to the subject property:

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PARCELS 25, 26, and 27 COMBINED

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A DISTANCE OF 525.86 FEET, THE LAST TWO DESCRIBED COURSES BEING ALONG THE SOUTHEASTERLY AND NORTHEASTERLY BOUNDARIES OF THE A RUNWAY PROTECTION ZONE (RPZ) OF FORT LAUDERDALE EXECUTIVE AIRPORT RUNWAY 13-31; THENCE NORTH 02°05'28" WEST, A DISTANCE OF 1742.31 FEET; THENCE SOUTH 87°54'32" WEST, A DISTANCE OF 70.00 FEET; THENCE NORTH 02°05'28" WEST, A DISTANCE OF 448.40 FEET; THENCE NORTH 83°25'05" EAST, ALONG A LINE PARALLEL WITH AND 750.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES, THE CENTERLINE OF FORT LAUDERDALE EXECUTIVE AIRPORT RUNWAY 8-26, A DISTANCE OF 1197.15 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF NORTHWEST 12 AVENUE, SAID POINT BEING ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST, WHOSE RADIUS POINT BEARS SOUTH 35°15'36" EAST FROM SAID POINT; THENCE SOUTHWESTERLY AND SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 390.00 FEET, A CENTRAL ANGLE OF 56°50'34" AND AN ARC DISTANCE OF 386.92 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 02°04'39" EAST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 2697.48 FEET TO THE POINT OF BEGINNING.

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SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, CONTAINING 185,477 SQUARE FEET OR 4.26 ACRES, MORE OR LESS.

Please indicate your acceptance of these conditions by signing and completing the bottom portion of this letter and its enclosed duplicate and returning one copy to our office.

In addition, please have the original and two copies of the Deed of Release (enclosed) executed on behalf of the Airport Owner and return one copy to us.


Sincerely,



Bart Vernace, P.E.
Manager

4 Enclosures

Accepted for Airport Owner

By: Lee R. Feldman 

Title: City Manager

Date: 9/8/15