



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

**#23-1085**

**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Greg Chavarria, City Manager

**DATE:** December 5, 2023

**TITLE:** Resolution Declaring an Intent to Convey the City's Interest in Air Rights  
Above a Portion of the Property Located at 801 Seabreeze Boulevard to the  
Bahia Mar Community Development District and Setting a Public Hearing  
for January 9, 2024, pursuant to Section 8.02 of the Charter of the City of  
Fort Lauderdale – **(Commission District 2)**

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**Recommendation**

Staff presents for City Commission's consideration an adoption of a resolution declaring the City's intent to convey the City's interest in air rights located above a limited portion of the property located at 801 Seabreeze Boulevard to the Bahia Mar Community Development District ("CDD") for the construction of public parking within a parking garage and other uses and setting a public hearing for January 9, 2024.

**Background**

The property is located at 801 Seabreeze Boulevard. The air rights are located above a limited portion of the property located at 801 Seabreeze Boulevard (Exhibit 1).

The CDD will be the entity that may participate in the funding and construction of the public portion of a parking garage, park and open spaces, promenade, roadway improvements, seawall, security improvements, lighting improvements, stormwater management system, water distribution, sanitary sewer, certain off-site public improvements, and related access improvements. To assist with the construction of the public portion of a parking garage, public promenade and other uses, the City can facilitate the activity of the CDD by conveying the City's interest in the air rights above a limited portion of the property for the construction of public parking within a parking garage and other uses.

The process of conveying public lands and public property to public bodies is outlined in Section 8.02 of the Charter. Pursuant to the Charter, to initiate the conveyance of public lands to public bodies, the City Commission must first adopt a resolution declaring its intention to sell, alienate, give, exchange, grant, or convey certain public property to a designated public body. The resolution must include the public purpose for which such property will be used by the grantee and designate a day, not less than thirty (30) days

after the adoption of such resolution, upon which a public hearing will be had upon such proposal. Two public notices in local newspapers of general circulation are required not less than ten (10) days before the public hearing with the second publication occurring at least one (1) week after the first publication. At the public hearing, the terms of the proposal and the use of the property shall be explained to the public and the opportunity given for citizens and taxpayers to be heard on such proposal. At the public hearing, the City Commission shall pass another resolution either confirming or repealing the resolution previously adopted or confirming the previous resolution with amendments or additions. The confirmed resolution shall direct the proper City officials to execute and deliver a deed of conveyance under the terms and conditions set out in the resolution.

In addition to the aforementioned public improvements to be constructed, owned and maintained by the CDD within the Air Rights Parcel, the CDD will fund one million dollars (\$1,000,000.00) of off-site improvements to the area surrounding Bahia Mar, directly benefitting the public. These off-site improvements will be mutually agreed to and memorialized in an interlocal agreement between the City and the CDD approved in conjunction with the conveyance of the Air Rights Parcel. The City will also receive additional ancillary financial benefits as referenced in the Resource Impact statement below.

### **Resource Impact**

All fees, costs and expenses associated with the transfer of the Air Rights Parcel shall be borne by the CDD. It is anticipated that the conveyance of the Air Rights Parcel to the CDD will materially increase the market value of the non-CDD improvements (hotel, condominium units and retail/office). The City through its partnership with Rahn Bahia Mar, LLC. will, as a result from the increased revenues and the increased average sales price of the condominium units, directly benefit from increased participatory revenue programs provided for through the existing ground lease with Rahn Bahia Mar, LLC. and additional ad valorem property taxes.

### **Strategic Connections**

This item supports the *Press Play Fort Lauderdale 2024* Strategic Plan, specifically advancing:

- The Internal Support Focus Area
- Goal 8: Build a leading government organization that manages all resources wisely and sustainably.
- Objective: Maintain financial integrity through sound budgeting practices, prudent fiscal management, cost effective operations, and long-term planning

This item advances the *Fast Forward Fort Lauderdale 2035* Vision Plan: We Are United.

**Attachments**

Exhibit 1 – Air Rights Parcel

Exhibit 2 – Resolution

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Prepared by: Angela Salmon, Assistant to the City Manager, City Manager's Office

Charter Officer: Greg Chavarria, City Manager