

RESOLUTION NO. 24-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE TRANSFER OF AIR RIGHTS OVER 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; APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND BAHIA MAR COMMUNITY DEVELOPMENT DISTRICT; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE CONVEYANCE INSTRUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, on December 5, 2023, pursuant to Resolution No. 23-284, the City Commission of the City of Fort Lauderdale declared its intent to convey air rights over a portion of the real property located at 801 Seabreeze Boulevard (the "Air Rights Parcel"); and

WHEREAS, the Air Rights Parcel is located within the boundaries of the Bahia Mar Community Development District (the "CDD"); and

WHEREAS, the Bahia Mar Community Development District, pursuant to Chapter 190 of the Florida Statutes, is authorized to provide public benefits and public improvements; and

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

WHEREAS, Section 8.02 of the City Charter requires a public hearing on the terms of the proposed transfer and the proposed use.

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

SECTION 1. That the Recitals set forth above are true and correct and incorporated herein by this reference.

SECTION 2. That the City Commission of the City of Fort Lauderdale hereby ratifies and confirms Resolution No. 23-284 and empowers and directs the proper City Officials to execute and convey by Quit Claim Deed(s) the real property described in Exhibit "B" of Resolution No. 23-284, under the terms and conditions set forth in said Resolution and in this Resolution. The Quit Claim Deed shall contain such reservations as necessary and appropriate to protect the property rights and interest of the City in the development, operation and management of Bahia Mar.

SECTION 3. That the City Commission hereby approves the Interlocal Agreement in substantially the form attached to Commission Agenda Memorandum No. 24-0002. In addition to the conditions set forth

in Resolution No. 23-284, at its expense, the CDD shall file an application for a separate tax identification number for the Air Rights Parcel with the office of Broward County Property Appraiser.

SECTION 4. In addition to the conditions set forth in Resolution No. 23-284, prior to execution and delivery of the Quit Claim Deed, the City, the CDD and other necessary parties with an interest in the Air Rights Parcel shall have approved 1) an Amendment to the Master Lease dated April 13, 2022 by and between the City and Rahn Bahia Mar L.L.C., 2) the Declaration of Restrictive Covenant by and between the City, the CDD and Rahn Bahia Mar L.L.C., 3) an Amended and Restated Declaration of Covenants and Restrictions of Bahia Mar Master Association, Inc. and 4) such other documents that the City Manager deems necessary.

SECTION 5. That the effective date of this Resolution is the date of adoption.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

\_\_\_\_\_  
City Clerk  
DAVID R. SOLOMAN

Dean J. Trantalis \_\_\_\_\_

John C. Herbst \_\_\_\_\_

Steven Glassman \_\_\_\_\_

APPROVED AS TO FORM  
AND CORRECTNESS:

Pamela Beasley-Pittman \_\_\_\_\_

Warren Sturman \_\_\_\_\_

\_\_\_\_\_  
City Attorney  
Thomas J. Ansbro