



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

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

October 7, 2015

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

**Release of Restriction on Ad Valorem Estate Tax
Oster Property**

Dear Mr. Feldman:

This is in response to your letter dated August 20, 2015, requesting the Federal Aviation Administration (FAA) release the City of Fort Lauderdale (City) from a restriction on the use of ad valorem real estate taxes contained in the FAA's Deed of Release dated December 5, 1963.

On December 5, 1963, the FAA released the City from its federal obligations associated with an 81.31 acre parcel of airport property, commonly referred to as the Oster Property. The release permitted the sale and disposal of the Oster Property subject to specific conditions, including:

That, the City of Fort Lauderdale shall promptly pay over said consideration of \$123,000 for the said sale of the above-described land, into the Fort Lauderdale Executive Airport Capital Development Fund and the City of Fort Lauderdale does hereby agree and covenant to pay promptly upon receipt thereof to said Fund all ad valorem real estate and personal property taxes relating to the above described property and to be collected by the City of Fort Lauderdale henceforth for the duration of the said Quitclaim Deed; it being specifically understood and agreed that no exemption shall be allowed or granted with respect to the assessed value of said real estate or personal property or to said ad valorem real estate taxes or to said personal property taxes, and further that whenever the aggregate or said real estate and personal property taxes shall amount to less than \$12,000.00 in any one year, the difference between said aggregate and said \$12,000.00 shall be paid promptly by the City of Fort Lauderdale into the said Airport Capital Development Fund from the General Fund of the City of Fort Lauderdale. The said pledged moneys shall be used only for such items of airport development

relating to aeronautical activities and shall be approved in advance in writing by the Federal Aviation Agency, it being understood and agreed that the City of Fort Lauderdale shall proceed diligently and in good faith in the development of said Fort Lauderdale Executive Airport in accordance with the Airport Master Plan dated November 7, 1963 as approved by Federal Aviation Agency, or such later revision thereof approved by the Federal Aviation Agency. The pledging of such moneys may be suspended at such time or times and for such period or periods of time upon a prior written determination by the Federal Aviation Agency that the then accumulated pledged moneys are sufficient or that lesser future pledge moneys will be sufficient for the then contemplated further development of the aeronautical activities of said airport as then approved by the Federal Aviation Agency.

Subsequently, on December 10, 1963, the City of Fort Lauderdale adopted a Pledge Agreement continuously binding the City Commission and the City of Fort Lauderdale to this restriction.

The City believes this restriction is no longer necessary to develop the Fort Lauderdale Executive Airport. The City's August 20 release request states that this condition has directed \$6,951,621 ad valorem taxes assessed on the Oster property from 1964 through August 2015. The City also states that the Fort Lauderdale Executive Airport operates in a self-sustaining manner and reported a fund balance of \$22,103,986.31 on July 31, 2015.

We have concluded that this special condition and all references to it, contained in the December 5, 1963 Deed of Release, is no longer required to facilitate the development of the Fort Lauderdale Executive Airport. At this time, the City is developing the airport in accordance with the Airport Layout Plan (ALP) approved by the FAA on February 7, 2011. The City's obligation to operate and maintain the airport is not altered, diminished, or extinguished by this release.

By accepting this release, the Airport Owner may:

1. Execute any deeds of release necessary to extinguish the City's obligations associated with the special condition contained in the December 5, 1963 Deed of Release;
2. Update its Exhibit "A" Property Map to include any deeds of release executed; and
3. Terminate its December 10, 1963 Pledge Agreement pertaining to the Oster Property.

In consideration of these premises, the FAA agrees to release the Airport Owner from the special condition of the December 5, 1963 Deed of Release as of the date of this agreement as it may relate to the subject property:

The Northwest quarter (NW ¼) of the Southeast quarter (SE ¼); and the Northeast quarter (NE ¼) of the Southwest quarter (SW ¼); and the East 150 feet of the Northwest quarter (NW ¼) of the Southwest quarter (SW ¼), of Section 16, Township 49 South, Range 42 East, Broward County, Florida, and excepting therefrom the right-of-way for Northwest 50th Street and the right-of-way for Northwest 15th Avenue as now located and existing over and across said lands, and containing approximately 81.31 acres, all as shown on the survey dated July 19, 1963 and revised August 29, 1963.

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.

Sincerely,

Bart Vernace, P.E.
Manager

3 Enclosures

Accepted for Airport Owner

By: _____

Title: _____

Date: _____

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. 119, Page 4 reference being hereto made as if fully set out herein; and

WHEREAS, on December 5, 1963, the United States of America, acting by and through the Administrator of the Federal Aviation Agency, released a parcel of 81.31 acres from all of the terms, conditions, exceptions, reservations, restrictions and rights of reversion set forth in said Quitclaim Deed subject to specific terms and conditions;

WHEREAS, the Airport Owner's obligations under subparagraphs "(a)" and "(b)" of the paragraph number "2" of the December 5, 1963 Deed of Release ceased upon compliance therewith;

WHEREAS, the Airport Owner has requested the United States of America to release the hereinafter described special condition contained in subparagraph "(c)" of the paragraph number "2" of the Deed of Release dated December 5, 1963; and

WHEREAS, the special condition contained in subparagraph "(c)" of the paragraph number "2" of the Deed of Release dated December 5, 1963 is further referenced in subparagraphs "(e)" and "(f)" of the paragraph number "2" of the Deed of Release dated December 5, 1963;

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 the special condition contained in the December 5, 1963 Deed of Release is no longer 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 releases the City of Fort Lauderdale from all conditions contained in subparagraph “(c)”, “(e)”, and “(f)” of the paragraph number “2” of the Deed of Release dated December 5, 1963.

HEREBY, releases the said real property from certain terms, conditions, reservations, and restrictions as contained in the above-mentioned Deed of Release from the United States of America to the City of Fort Lauderdale dated December 5, 1963 which real property is described as follows:

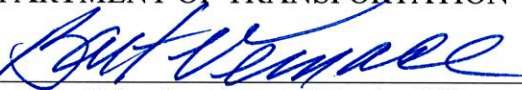
THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHEAST QUARTER (SE ¼); AND THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHWEST QUARTER (SW ¼); AND THE EAST 150 FEET OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼), OF SECTION 16, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, AND EXCEPTING THEREFROM THE RIGHT-OF-WAY FOR NORTHWEST 50TH STREET AND THE RIGHT-OF-WAY FOR NORTHWEST 15TH AVENUE AS NOW LOCATED AND EXISTING OVER AND ACROSS SAID LANDS, AND CONTAINING APPROXIMATELY 81.31 ACRES, ALL AS SHOWN ON THE SURVEY DATED JULY 19, 1963 AND REVISED AUGUST 29, 1963.

This release is for the specific purpose of extinguishing the City of Fort Lauderdale’s obligation to commit all ad valorem and personal property taxes generated by the above described property to the Airport Capital Development Fund.

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 the remaining conditions and limitations described in the December 5, 1963 Deed of Release, 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 7th day of October, 2015.

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION

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

COPY

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:

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WHEREAS, on December 5, 1963, the United States of America, acting by and through the Administrator of the Federal Aviation Agency, released a parcel of 81.31 acres from all of the terms, conditions, exceptions, reservations, restrictions and rights of reversion set forth in said Quitclaim Deed subject to specific terms and conditions;

WHEREAS, the Airport Owner's obligations under subparagraphs "(a)" and "(b)" of the paragraph number "2" of the December 5, 1963 Deed of Release ceased upon compliance therewith;

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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 the special condition contained in the December 5, 1963 Deed of Release is no longer necessary to protect or advance the interests of the United States of America in civil aviation.

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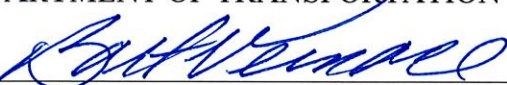
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UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION

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