

ORDINANCE NO. C-23-44

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING AND NAMING THE BAHIA MAR COMMUNITY DEVELOPMENT DISTRICT; MAKING CERTAIN FINDINGS REGARDING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE FIVE PERSONS DESIGNATED TO BE THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING CONSENT FOR THE EXERCISE OF CERTAIN POWERS, PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature created the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, as amended (“the Act”), to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, on October 10, 2023, Rahn Bahia Mar L.L.C. (the “Petitioner”) submitted a Petition (“Petition”) to the City of Fort Lauderdale, Florida (the “City”) to establish the Bahia Mar Community Development District (the “District”) pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the proposed District comprises approximately 15.98 acres of property, all located within the City; and

WHEREAS, title to such lands is in the City pursuant to a deed from the United States of America dated August 27, 1947, and recorded in Broward County Official Records Book 604 at Page 529, and leased to the Petitioner pursuant to a Master Lease Agreement dated April 13, 2022, as amended (the “Master Lease”), by and between the City and the Petitioner; and

WHEREAS, the initial term of the Master Lease is fifty (50) years, as extended for an additional 50 years, for a total of 100 years; and

WHEREAS, pursuant to Section 190.005(1)(d), Florida Statutes, notice of the public hearing on the petition to establish the District was published in the Sun-Sentinel Newspaper once a week for four (4) consecutive weeks prior to the public hearing; and

WHEREAS, the City Commission held a public hearing to consider the Petition to establish the District on December 5, 2023; and

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

WHEREAS, the City Commission, pursuant to the authority granted by the provisions of Chapters 166 and 190, Florida Statutes, as amended, and having considered the Petition and all information presented at the public hearing, and being fully advised and informed of the premises, has determined that it is in the best interests of the citizens of the City to approve the petition to establish the District.

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

SECTION 1. Findings: The foregoing findings which are expressly set forth herein are hereby adopted and made a part hereof.

SECTION 2. The City Commission of the City of Fort Lauderdale, Florida, hereby makes the following additional findings:

1. The proposed District lands are owned by the City and are subject to the terms and conditions of the Master Lease.
2. The property proposed to comprise the District, which consists of approximately 15.98 acres, more or less, lies entirely within the boundaries of the City; and is generally described as being located west of Seabreeze Boulevard, south of Hall of Fame Drive, east of the Intracoastal Waterway and north of Harbor Drive. A metes and bounds description of the external boundaries of the proposed District is set forth in the legal description attached hereto as Exhibit A.
3. The City Commission has reviewed the Petition to establish the District and found all the statements contained within the Petition are true and correct.
4. The establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the City's comprehensive plan.
5. The proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional, interrelated community and as an independent special district.
6. The creation of the District is the best alternative available for delivering the community development services and facilities described in the Petition to the area that will be served by the District.
7. The community development services and facilities of the District will be compatible with the capacity and uses of existing City and regional community development services and facilities.
8. The area that will be served by the District is amenable to separate special district government.

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SECTION 3. Establishment of District Name: The City Commission hereby grants the Petition to establish and create a community development district, which shall be known as “Bahia Mar Community Development District”.

SECTION 4. External Boundaries of the District: The external boundaries of the District shall be set forth in Exhibit A attached hereto.

SECTION 5. Charter for the District: Pursuant to Section 190.005(2)(e), Florida Statutes, the charter for the District shall consist of Sections 190.006 through 190.041, Florida Statutes, inclusive.

SECTION 6: Initial Members of District Board of Supervisors: The five persons designated to be the initial members of the Board of Supervisors are as follows:

Ben Gerber, 7236 SW 54th Court, Miami, FL 33143
Kurt Drstvensek, 13503 SW 58th Avenue, Pinecrest, Florida 33156
Landon McNeil, 1175 NE 125th Street, Suite 102, North Miami, Florida 33161
Michael Fine, 1175 NE 125th Street, Suite 102, North Miami, Florida 33161
Michael Sperling, 19790 West Dixie Highway, PH-1, Miami, Florida 33180

SECTION 7. Consent to Exercise of Special Powers: As provided in Chapter 190, Florida Statutes, in addition to the general powers which the District is authorized to exercise pursuant to Section 190.011, Florida Statutes, the District shall have, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies and districts having authority with respect to any area included within the District, those special powers relating to public improvements and community facilities authorized by Section 190.012(1), Florida Statutes, and Section 190.012(2)(a) and (d), Florida Statutes.

SECTION 8. In the event a court of competent jurisdiction shall hold or determine that any part of this Ordinance is invalid or unconstitutional, the remainder of the Ordinance shall not be affected thereby, and it will be presumed that the City Commission for the City of Fort Lauderdale did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the City Commission would have adopted the remainder of this Ordinance without said invalid and unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 9. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. This Ordinance shall become effective immediately upon its adoption.

PASSED FIRST READING this 7th day of November, 2023.

PASSED SECOND READING this _____ day of _____, 2023.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN