

RESOLUTION NO. 23-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AGREEMENT FOR THE ISSUANCE OF BUILDING PERMITS PRIOR TO PLAT APPROVAL AND RECORDATION FOR ESSENTIAL GOVERNMENTAL FACILITIES BETWEEN BROWARD COUNTY, FLORIDA, AND THE CITY OF FORT LAUDERDALE, FLORIDA; AGREEING TO REMOVE ALL IMPROVEMENTS IF THE CITY OF FORT LAUDERDALE FAILS TO RECORD THE PLAT BY THE DEADLINE IN THE AGREEMENT, UNLESS THE PLAT IS RE-APPROVED WITHIN THREE MONTHS AND RECORDED BEFORE THE EXPIRATION OF THE NEW APPROVAL; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Development Review Committee (“DRC”) of the City of Fort Lauderdale reviewed a site plan for construction of the City’s water treatment plant, Prospect Lake Clean Water Center (the “Improvements”) on September 26, 2023; and

WHEREAS, the City of Fort Lauderdale wishes to obtain building permits for the Improvements prior to the approval and recording of a Plat that will include the area where the Prospect Lake Clean Water Center will be constructed; and

WHEREAS, Section 5-187, Broward County Code of Ordinances authorizes the Broward County Board of County Commissioners to allow building permits to be issued for an essential governmental facility prior to a plat being approved and recorded if the facility meets certain criteria; and

WHEREAS, Article 4.4(B) of the Administrative Rule Document: BrowardNEXT, allows the issuance of a building permit for the construction of a principal building that meets certain criteria prior to the recording of a Plat, if the Broward County Board of County Commissioners “finds that immediate construction of the governmental facility is essential to the health, safety or welfare of the public and where the Broward County Board of Commissioners determines that public facilities and services will be available at the adopted level of service standards concurrent with the impact of the development of the governmental facility.”; and

WHEREAS, the Agreement with Broward County require the City to record the Plat within eighteen (18) months after the Broward County Board of County Commissioners

approve it, unless the plat is re-approved within three months and recorded before the expiration of the new approval; and

WHEREAS, if the Plat is not recorded by the deadline in the Agreement, then all of the Improvements done prior to the plat approval and recording, must be demolished, unless the plat is re-approved within three months and recorded before the expiration of the new approval.

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

SECTION 1. That the above recitals are true and correct and incorporated into this Resolution by this reference.

SECTION 2. That the City Commission of the City of Fort Lauderdale, Florida, hereby approves the Agreement For the Issuance of Building Permits Prior to Plat Approval and Recordation for Essential Governmental Facilities between Broward County, Florida, and the City of Fort Lauderdale, Florida, in substantially the form attached to Commission Agenda Memorandum No. 23-0967.

SECTION 3. In the event that the Broward County Board of County Commissioners does not approve the Agreement for the Issuance of Building Permits Prior to Plat Approval and Recordation for Essential Governmental Facilities on December 12, 2023, the City Attorney or his Designee, is authorized to revise the date of approval by the County in the Agreement.

SECTION 4. If the Plat is not recorded within eighteen (18) months after the Plat is approved by the Broward County Board of County Commissioners, then the City of Fort Lauderdale shall demolish the Improvements in accordance with the terms of the Agreement, unless the plat is re-approved within three months and recorded before the expiration of the new approval.

SECTION 5. The City Commission hereby delegates authority and authorizes the City Manager to execute the Agreement and any and all documents incidental thereto.

SECTION 6. That all resolutions in conflict herewith are hereby repealed, only to the extent of such conflict(s).

SECTION 7. If any section, sentence, clause, or phrase of this resolution is held to be invalid or deemed unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

SECTION 8. That this Resolution shall be in full force and effect upon its adoption.

ADOPTED this _____ day of _____, 2023.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:

City Attorney
THOMAS J. ANSBRO

Dean J. Trantalis _____

John C. Herbst _____

Steven Glassman _____

Pamela Beasley-Pittman _____

Warren Sturman _____