

RESOLUTION NO. 19-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REPEALING RESOLUTION NO. 12-241, CANCELING ITS EFFECT ON AFFECTED PROPERTIES AND TERMINATING THE WAVE STREETCAR SPECIAL ASSESSMENTS; PROVIDING FOR THE RECORDATION OF THIS RESOLUTION IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AUTHORIZING OTHER REQUIRED ACTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida (the "City Commission") enacted Ordinance No. C-13-14 on June 4, 2013 (the "Wave Ordinance"), and adopted Resolution Nos. 13-95 and 13-131 on June 4, 2013 and July 9, 2013, respectively (the "Wave Assessment Resolutions"), pursuant to which the Wave Streetcar Assessment Area was established and special assessments (the "Wave Assessments") were authorized to be imposed against assessable property located within the Wave Streetcar Assessment Area specially benefitted by the Wave Project in order to satisfy certain financial obligations of the City of Fort Lauderdale, Florida (the "City") in connection with the Wave Modern Streetcar Project (the "Wave Project"); and

WHEREAS, on December 18, 2012, in anticipation of enacting the Wave Ordinance and adopting the Wave Assessment Resolutions, the City Commission adopted Resolution No. 12-241 expressing the City's intent to use the uniform method of collecting non-ad valorem special assessments authorized by Section 197.3632, Florida Statutes, as amended, for the collection of the Wave Assessments within the Wave Streetcar Assessment Area, and said Resolution No. 12-241 provided a legal description of such area subject to the Wave Assessment, which legal description is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, said Resolution No. 12-241 was recorded in Official Record Book 49431, Page 825 of the Public Records of Broward County, Florida and continues to appear as an encumbrance upon the assessable properties within the Wave Streetcar Assessment Area; and

WHEREAS, from 2013 through 2017, pursuant to the Wave Ordinance, the Wave Resolutions and certain annual assessment resolutions, to wit: Resolution No. 14-148 adopted on September 10, 2014, Resolution No. 15-194 adopted on September 8, 2015, Resolution No. 16-154 adopted on September 12, 2016 and Resolution No. 17-197 adopted on

September 13, 2017 (collectively, the "Annual Assessment Resolutions"), the City Commission imposed the Wave Assessments on assessable properties within the Wave Streetcar Assessment Area; and

WHEREAS, in 2018, the City and the other parties to the various Wave Project-related agreements decided to cancel and terminate the Wave Project and the City Commission decided to refund the Wave Assessments paid since 2013 to the persons lawfully entitled to receive such refunds, all as more specifically provided for in Resolution No. 19-30 adopted by the City Commission on February 19, 2019 (the "Wave Project Termination Resolution") and Resolution No. 19-54 adopted by the City Commission on March 19, 2019 (the "Wave Assessments Refund Resolution") respectively; and

WHEREAS, as a result of the cancellation and termination of the Wave Project, the City Commission did not impose a Wave Assessment for the fiscal year commencing October 1, 2018, and the City Commission does not intend to impose Wave Assessments in any future fiscal year; and

WHEREAS, as a result of the cancellation and termination of the Wave Project, it is appropriate to discontinue and terminate the Wave Assessments and to remove any and all liens or encumbrances on the assessable properties within the Wave Streetcar Assessment Area related to or resulting from the Wave Assessments or any of the Wave Ordinance, the Wave Assessment Resolutions or the Annual Assessment Resolutions (collectively, the "Wave Assessment Legislation").

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

SECTION 1. INCORPORATION OF RECITALS. The foregoing "WHEREAS" clauses are hereby incorporated into this Resolution by this reference.

SECTION 2. AUTHORITY. This Resolution is adopted pursuant to Article VIII, Section 2, Florida Constitution, Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 3. DEFINITIONS. All capitalized terms not otherwise defined in this Resolution shall have the meanings ascribed to them in the Wave Assessment Legislation.

SECTION 4. REPEAL OF RESOLUTION NO. 12-241. As a result of the cancellation and termination of the Wave Project, and in order to release assessable properties within the Wave Streetcar Assessment Area from any lien or encumbrance created by Resolution No. 12-241, said Resolution No. 12-241 is hereby repealed and shall be of no further effect. The assessable properties within the Wave Streetcar Assessment Area, as more specifically described in the Wave Project Termination Resolution and the Wave Assessments Refund Resolution, are hereby released from any lien or encumbrance created by said Resolution No. 12-241.

SECTION 5. DISCONTINUATION AND TERMINATION OF WAVE ASSESSMENTS. Consistent with the cancellation and termination of the Wave Project, the City Commission hereby discontinues and terminates the Wave Assessments in the current and all future fiscal years. The assessable properties within the Wave Streetcar Assessment Area, as more specifically described in the Wave Project Termination Resolution and the Wave Assessments Refund Resolution, are hereby released from any lien or encumbrance created by the Wave Assessment Legislation related to or resulting from the Wave Assessments.

SECTION 6. RECORDING OF THIS RESOLUTION. As soon as practicable after its adoption, this Resolution shall be submitted for recording in the official record books of Broward County, Florida.

SECTION 7. GENERAL AUTHORITY The members of the City Commission, the City Manager, the City Attorney, the Finance Director, the City Clerk and the officers, attorneys and other agents or employees of the City are hereby authorized to do all acts and things required of them by this Resolution or desirable or consistent with the provisions of this Resolution for the full, punctual and complete performance of all the provisions contained herein, and each member, employee, attorney and officer of the City Commission, the City Manager, the City Attorney, the Finance Director and the City Clerk is hereby authorized and directed to execute and deliver any and all papers and instruments and to do and to cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Resolution or to give effect to the provisions hereof.

SECTION 8. SEVERABILITY. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

SECTION 9. CONFLICTS. Any resolutions or parts of resolutions in conflict herewith shall be and the same are repealed to the extent of such conflict.

SECTION 10. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

ADOPTED this the ____ day of _____, 2019.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

EXHIBIT A

LEGAL DESCRIPTION

Combined Boundary Description of the Downtown Regional Activity Center and the South Regional Activity Center Fort Lauderdale, Florida (the “Wave Streetcar Assessment Area”)

Beginning at the intersection of the centerline of the FEC Railway and centerline of East Sunrise Boulevard proceed east along said centerline of East Sunrise Boulevard to the centerline of North Federal Highway, thence south along said centerline of North Federal Highway to the centerline of NE 6th Street, thence east along said centerline of NE 6th Street to the centerline of NE 7th Avenue, thence south along said centerline of NE 7th Avenue to the centerline of East Broward Boulevard, thence east along said centerline approximately 458 feet, thence south approximately 1,896 feet to the centerline of the New River, thence westerly along said centerline of the New River to the centerline of South Federal Highway, thence south along said centerline of South Federal Highway to the intersection of the centerline of SE 18th Court, then continue south along the centerline of South Federal Highway approximately 168 feet to a point extended west to the southwest corner of lot 4, block 55, of Croissant Park according to Plat Book 4, Page 26, BCR thence west along said south property line of lot 4 approximately 654 feet to the centerline of SE 4th Avenue, thence south along said centerline of SE 4th Street to the south right-of-way line of SE 20th Street, thence west along said south right-of-way line approximately 658 feet to NE corner of lot 1 block 64, of Croissant Park according to Plat Book 4, Page 26, BCR, thence southeasterly along said east lot line of lot 1, approximately 359 feet to the south right-of-way line of SE 21 Street, thence east approximately 70 feet to the NE corner of lot 1 of the Whites Subdivision according to Plat Book 28, Page 1, BCR, thence south along the east line of said lot 1, approximately 670 feet to the south right-of-way line of SE 23rd Street, thence east along said south right-of-way line approximately 52 feet to the NE corner of a portion of lot 17, block 129 of Lauderdale according to Plat Book 2, Page 9, DCR, thence south along said east line of lot 17 to the centerline of the east-west alley of said block 129, thence west along said east-west alley to the centerline of the FEC Railway, thence continue along said FEC Railway northwesterly to the centerline of SW 17th Street, thence west along said centerline of SW 17th Street to the centerline of SW 3rd Avenue, thence north along said centerline of SW 3rd Avenue to the north right-of-way line of SW 16th Street, thence east along said north right-of-way line approximately 25 feet to the SW corner of lot 36, block 58 of Lauderdale according to Plat Book 2, Page 9, DCR, thence north along said west line of lot 36 to the north right-of-way line of the east-west alley of block 55 of Lauderdale according to Plat Book 2, Page 9, DCR, thence west along said north right-of-way line approximately 50 feet to the SW corner of lot 4 of said block 55, thence north along said west property line of lot 4 to the centerline of SW 14th Court, thence west along said centerline of SW 14th Court to the centerline of SW 3rd Avenue, thence north along said centerline of SW 3rd Avenue (including vacated portion) to the north right-of-way line of SW 12th Court, thence east along said north right-of-way line approximately 5 feet to the SW corner of the east 25 feet of lot 27,

block 31 of Croissant Park South River Section, according to Plat Book 8, Page 20, BCR, thence north along the west line of the east 25 feet of lot 27 approximately 470 feet to the centerline of the Tarpon River, thence east along said centerline of the Tarpon River to the centerline of the FEC Railway, thence north along the FEC Railway to the centerline of SW 7th street, thence west along SW 7th Street to the centerline of SW 4th Avenue, thence northwesterly along said centerline of SW 4th Avenue to an intersection with the extension of the south line of lot 1, block 33 of Bryans Subdivision, according to Plat Book 1, Page 29, DCR, thence west along said south line of lot 1 to the southwest corner of lot 5, thence north along said west line of lot 5 to the north right-of-way line of West Las Olas Boulevard, thence west along said north right-of-way line approximately 25 feet to the SW corner of lot 26, block 22 of Bryans Subdivision, according to Plat Book 1, Page 29, DCR, thence north along the west line of said lot 26 approximately 1,825 feet to the centerline of NW 2nd Street, thence east along said centerline of NW 2nd Street to the centerline of the FEC Railway, thence continue northeasterly along said centerline of the FEC Railway to the point of beginning.