

**PROPOSED**

RESOLUTION NO. 2018-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, DECLARING THE ACQUISITION OF CERTAIN PROPERTY FOR COUNTY USE TO BE A PUBLIC PURPOSE AND NECESSITY; AUTHORIZING THE COUNTY ATTORNEY TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Broward County (the "County") is a political subdivision of the State of Florida, and is authorized under Chapters 73, 74, and 127, Florida Statutes, to acquire, by eminent domain proceedings, interests in privately owned lands that are necessary for the public use; and

WHEREAS, the Circuit Court of the Seventeenth Judicial Circuit entered an Order of Taking in the matter of *Shaw Farms & Land Company of Florida, LLC and Dania Place, LLC v. Broward County, et al.*, Case No. CACE-15-011648 (09), finding that, as of July 1, 2012, the County took a permanent flowage easement (which was valued by experts for both the County and the plaintiffs at 90% of the fair market value of the entire fee interest) over the properties described in Exhibit "A" attached hereto ("Properties"); and

WHEREAS, the permanent flowage easement over the entirety of the Properties renders the Properties commercially unmarketable and undevelopable; and

WHEREAS, the Properties are in close proximity to Port Everglades and Fort Lauderdale-Hollywood International Airport ("Airport"), and the County owns property adjacent to the Properties; and

1           WHEREAS, the Properties comprise some of the last remaining undeveloped  
2 land in the area; and

3           WHEREAS, the County acquiring the Properties in fee simple is more  
4 economical for the County and allows the County to develop the Properties rather than  
5 merely being able to use the Properties pursuant to an undevelopable permanent  
6 flowage easement; and

7           WHEREAS, the Properties are needed by the County in fee simple for providing  
8 and implementing more robust airspace protection than currently afforded the Airport  
9 and, consistent therewith, can be developed for Port Everglades, Airport, and other  
10 County uses that will immeasurably benefit the people of Broward County; and

11           WHEREAS, the County has taken into consideration all of the relevant  
12 environmental factors and determined that the acquisition of the Properties would not  
13 adversely impact the natural environment; and

14           WHEREAS, the County has taken into consideration all relevant safety factors  
15 related to the acquisition of the Properties; and

16           WHEREAS, the County has taken into consideration the costs related to the  
17 acquisition of the Properties; and

18           WHEREAS, public ownership of the Properties will ensure reliable ownership of  
19 approximately 31 acres of land in close proximity to the Airport, Port Everglades, and  
20 other County-owned lands, for the benefit of the people of Broward County, NOW,  
21 THEREFORE,

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23           BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
24 BROWARD COUNTY, FLORIDA:

1           Section 1.   Recitals.   The recitals contained in the foregoing "WHEREAS"  
2 clauses are incorporated into this Resolution by this reference.

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4           Section 2.   Findings.   The Board of County Commissioners of Broward County  
5 (the "Board") finds, determines, and declares the following:

6           (a)   That it is necessary, serves a County and public purpose, and is in the  
7 best interest of Broward County to acquire in fee simple the Properties described in  
8 Exhibit "A" to accomplish the public benefits, and permit the public uses, referenced in  
9 the above-stated recitals; and

10          (b)   That the Office of the County Attorney or the County Attorney's designee  
11 is hereby authorized and directed to take any and all appropriate action to acquire in fee  
12 simple the Properties described in Exhibit "A" by negotiating the purchase of the  
13 Properties at values established by appraisals, together with reasonable attorney's fees,  
14 expert fees, business damages, and costs, as applicable, or instituting a lawsuit or  
15 lawsuits in the name of Broward County and in the exercise of Broward County's power  
16 of eminent domain for the purpose of acquiring in fee simple the Properties described in  
17 Exhibit "A," and is further authorized and directed to do all things necessary to  
18 prosecute such lawsuit or lawsuits to final judgment. Pursuant to such authorization  
19 and direction, the Office of the County Attorney or the County Attorney's designee is  
20 specifically authorized to sign and file a Declaration of Taking in order that Broward  
21 County may avail itself of the provisions of Chapter 74, Florida Statutes. The Office of  
22 the County Attorney or the County Attorney's designee is further authorized to  
23 accomplish the acquisition of said Properties by settlement and compromise in those  
24 instances where the same can be effected in accordance with the terms, conditions,

1 and limitations established from time to time by the Broward County Board of County  
2 Commissioners.

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Section 3. EFFECTIVE DATE.

This Resolution shall take effect immediately upon adoption.

ADOPTED this            day of            , 2018.

**PROPOSED**

Approved as to form and legal sufficiency:  
Andrew J. Meyers, County Attorney

By /s/ Michael J. Kerr            03/08/18  
Michael J. Kerr            (date)  
Deputy County Attorney

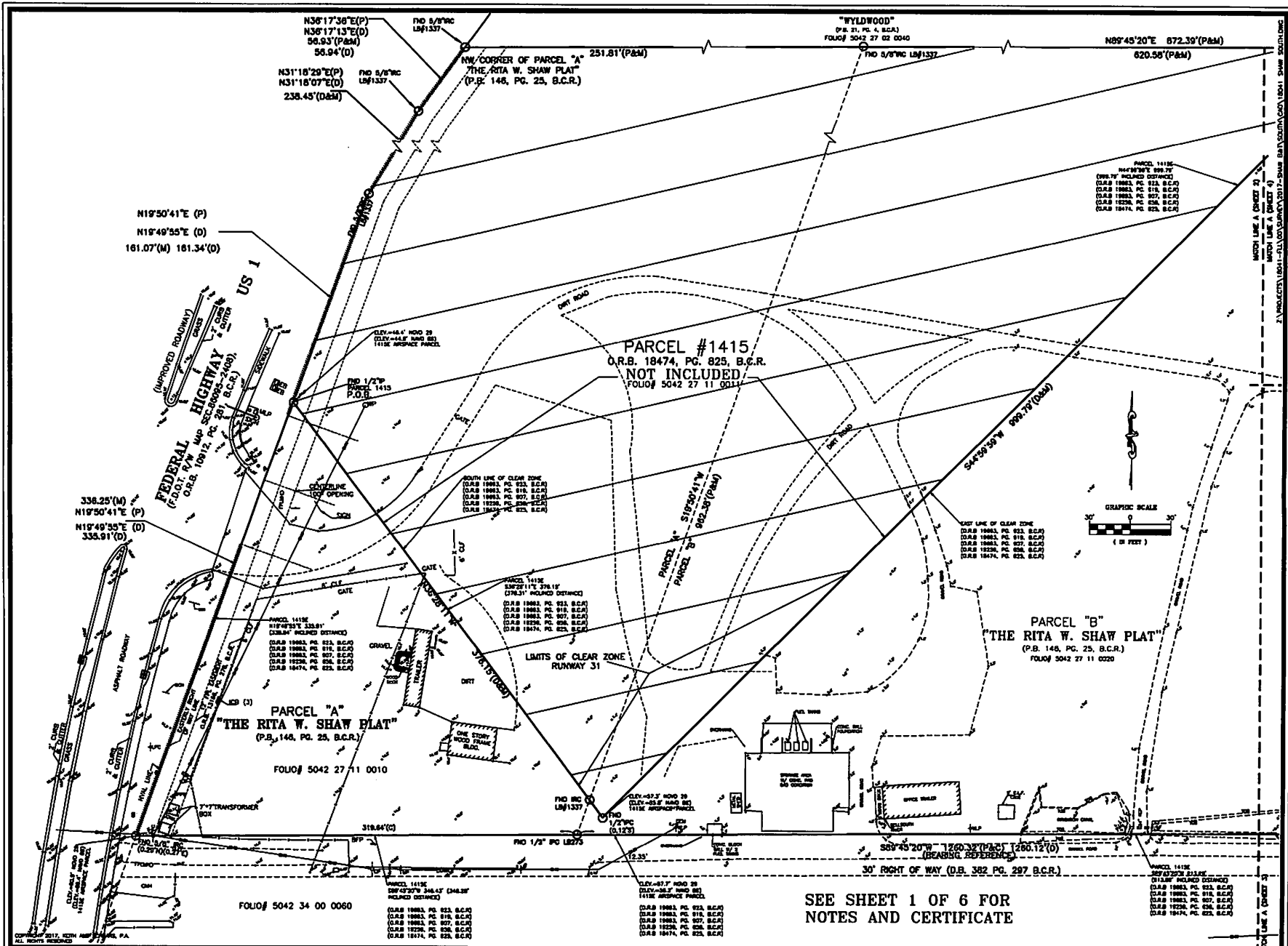
23 MJK/ml  
03/08/18  
24 Shaw Matter Resolution  
#18-008  
#15-0690

**Exhibit A**

**PARCELS A, B AND C OF THE RITA W. SHAW PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 146, PAGE 25, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA: LESS THEREFROM THAT PORTION THEREOF TAKEN BY BROWARD COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA BY ORDER OF TAKING AS REFLECTED IN STIPULATED CORRECTED ORDER OF TAKING NUNC PRO TUNC RECORDED IN OFFICIAL RECORDS BOOK 18474, PAGE 825 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.**

**TOGETHER WITH:**

**PARCEL A, OF C.I.B.D. PLAT ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 140, PAGE 28 AND PARCELS B AND C, OF THE RITA W. SHAW PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 146, PAGE 25 LESS PARCEL 1415, AS DESCRIBED IN O.R.B. 19259, PAGE 858, PUBLIC RECORDS BROWARD COUNTY, FLORIDA.**



SEE SHEET 1 OF 6 FOR  
NOTES AND CERTIFICATE

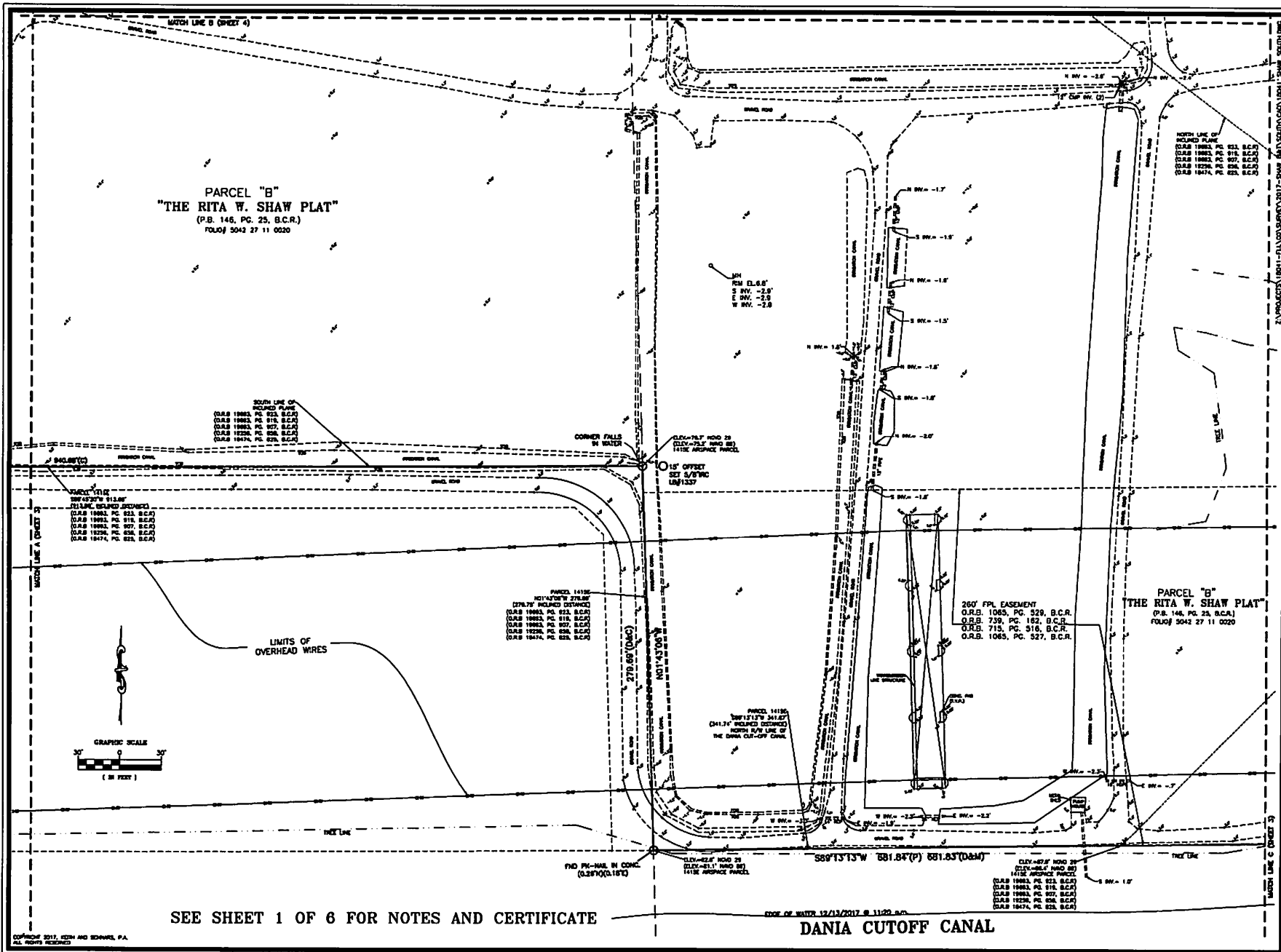
**KS KEITH & SCHNARS**  
 LB 1337  
 6505 NORTH WOODS AVENUE, FORT LAUDERDALE, FL 33309-2132 (954)778-1616

DATE	REVISIONS
07/17/10	1. INITIAL DRAWING 2. OVER PLOTTING & CORRECT 3. REVISIONS TO FIELD 4. ISSUED TO OFFICE 5. REVISIONS

DATE	12/19/2017
SCALE	AS SHOWN
FIELD BOOK	1417, 1483
DRAWN BY	MJB
CHECKED BY	B.S.H.

**BOUNDARY AND TOPOGRAPHIC SURVEY**  
 PARCELS A, B, & C OF RITA W. SHAW PLAT (P.B. 146, PG. 25)  
 & PARCEL A OF THE C.I.B.D. PLAT (P.B. 140, PG. 28)  
 A PORTION OF SECTIONS 34  
 TOWNSHIP 50 SOUTH, RANGE 42 EAST  
 BROWARD COUNTY, FLORIDA

SHEET NO.	2
OF	6 SHEETS
PROJECT NO.	18041C



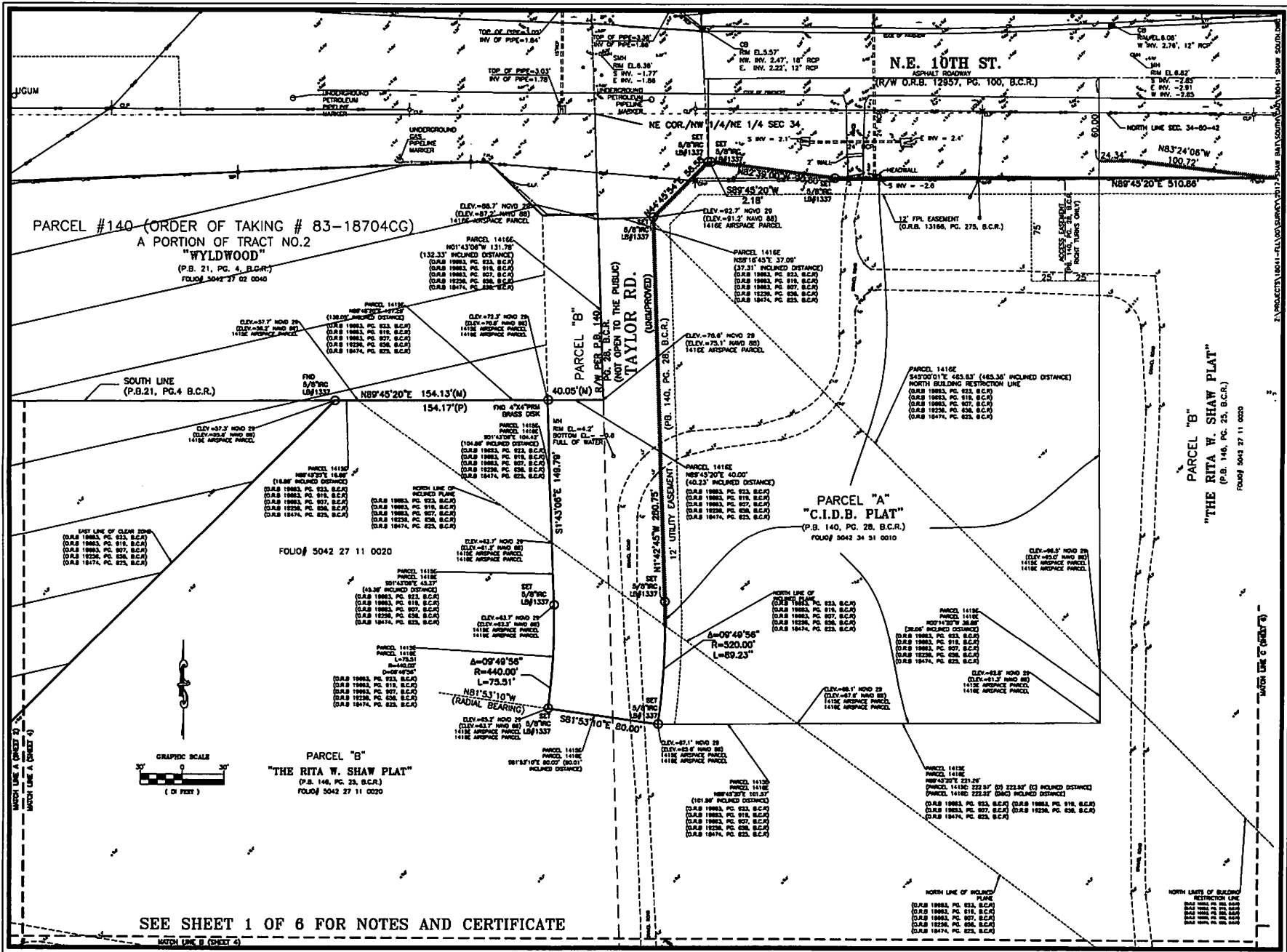
**KS KEITH & SCHNARS**  
6555 NORTH ANDERS AVENUE, FORT LAUDERDALE, FL 33309-2132 (954) 776-1016  
LB 1337

DATE	REVISIONS
01/17/14	FOR PRICE QUOTATION
	DATE 1/19/2017
	SCALE AS SHOWN
	FIELD BOOK 1417, 1463
	DRAWN BY M.L.B.
	CHECKED BY D.B.H.

**BOUNDARY AND TOPOGRAPHIC SURVEY**  
PARCELS A, B, & C OF RITA W. SHAW PLAT (P.B. 146, PG. 25)  
& PARCEL A OF THE C.I.B.D. PLAT (P.B. 140, PG. 28)

A PORTION OF SECTIONS 34  
TOWNSHIP 30 SOUTH, RANGE 42 EAST  
BROWARD COUNTY, FLORIDA

SHEET NO.	3
OF	6 SHEETS
PROJECT NO.	18041C



SEE SHEET 1 OF 6 FOR NOTES AND CERTIFICATE

# KS KEITH & SCHNARS

18041C

DATE	REVISIONS
07/17/16	100 AREA CHECKED NOTE #10 & CORRECT SOME OF THE VALUES OF OFFICE RECORD

DATE	12/19/2017
SCALE	AS SHOWN
FIELD BOOK	1417, 1485
DRAWN BY	MJS
CHECKED BY	SJM

**BOUNDARY AND TOPOGRAPHIC SURVEY**

PARCELS A, B, & C OF RITA W. SHAW PLAT (P.B. 146, PG. 25)

& PARCEL A OF THE C.I.B.D. PLAT (P.B. 140, PG. 28)

A PORTION OF SECTIONS 34

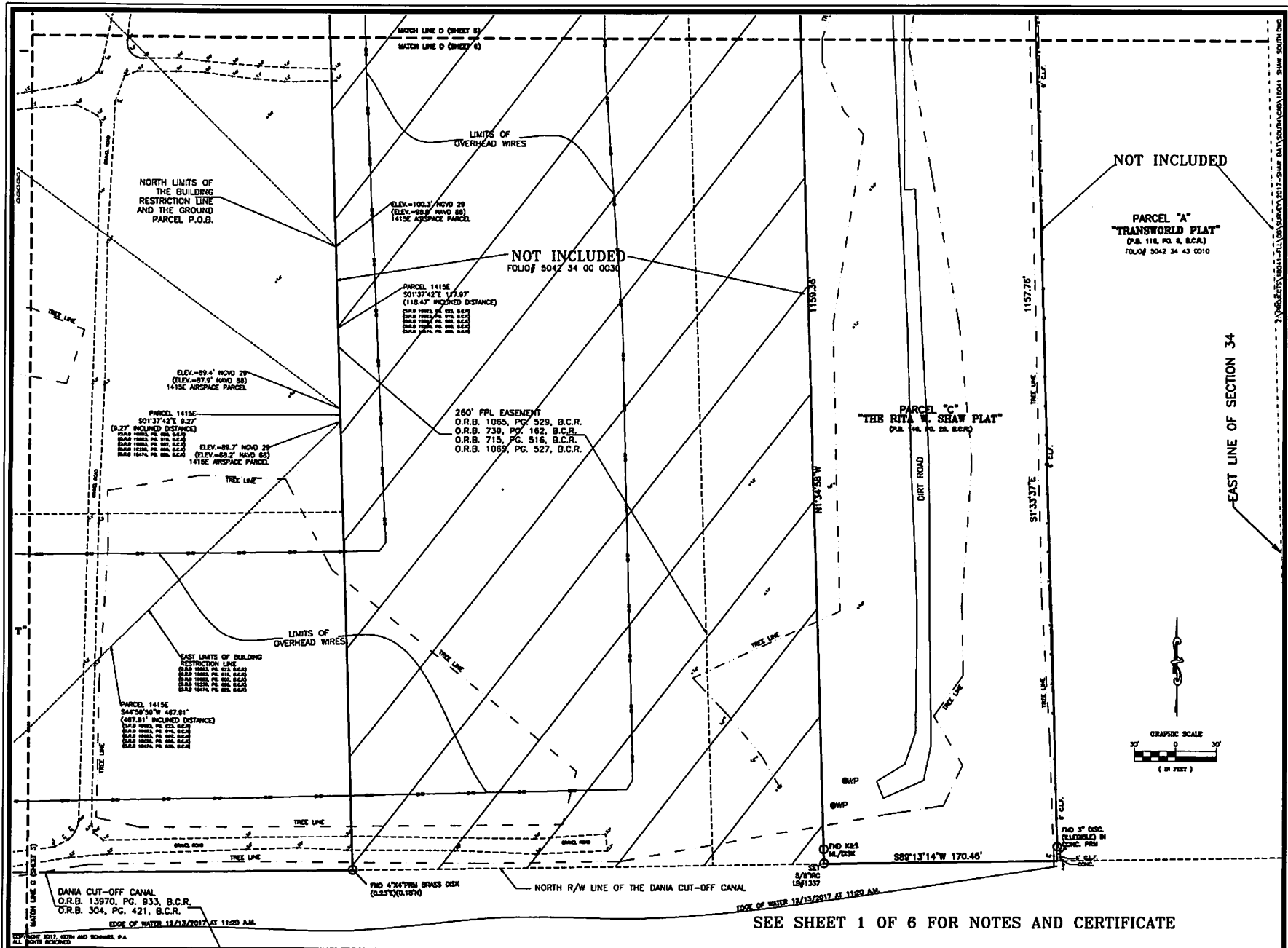
TOWNSHIP 30 SOUTH, RANGE 42 EAST

BROWARD COUNTY, FLORIDA

SHEET NO.	4
OF	6 SHEETS
PROJECT NO.	18041C





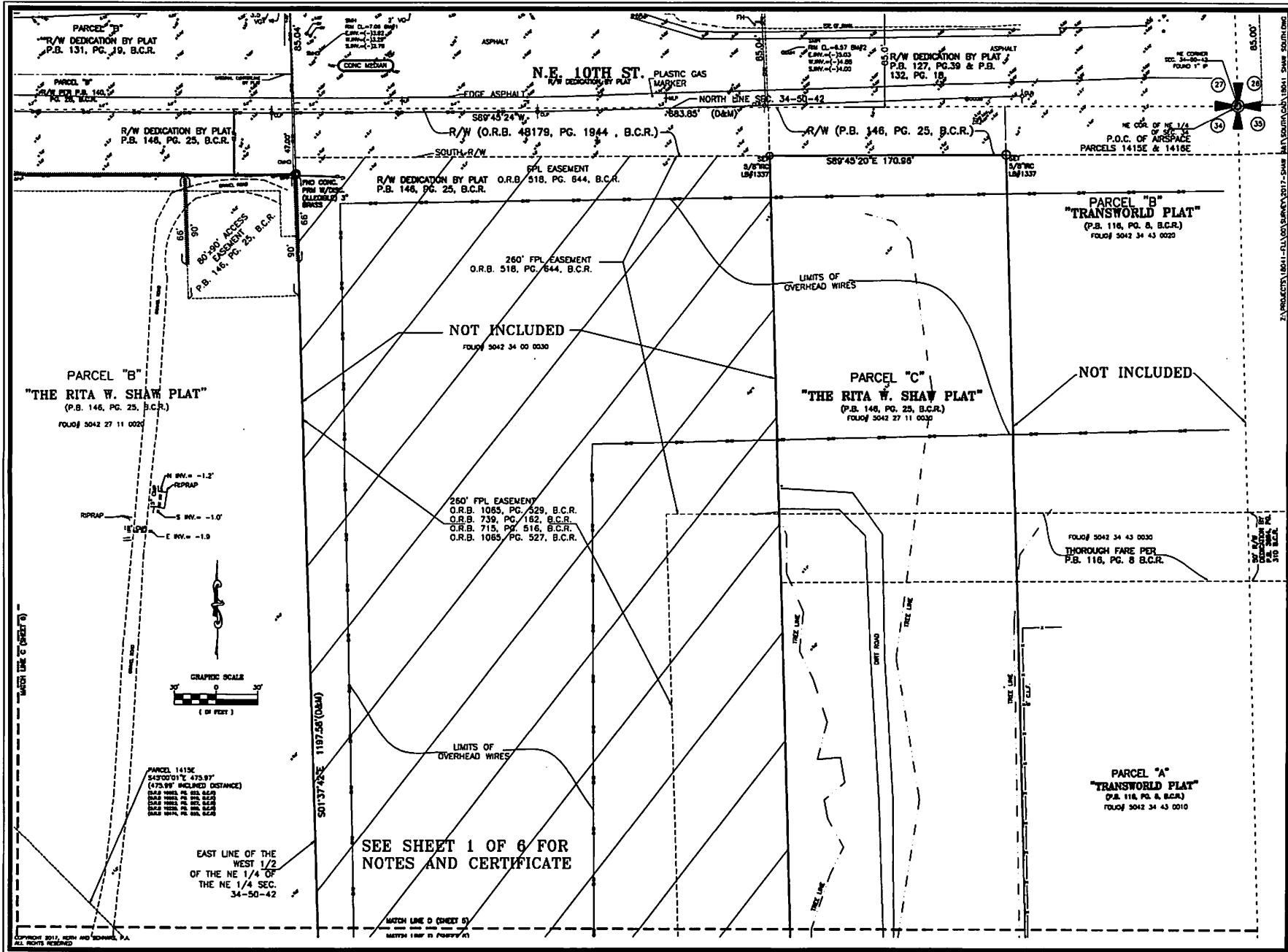
**KS KEITH & SCHNARS**  
 L.B. 1337  
 6550 NORTH WOODS AVENUE, FORT LAUDERDALE, FL 33309-2132 (954)776-1616

DATE	REVISIONS
07/17/16	NO LINE TAKEN (DATE #10) & CORRECTED (CORRECTED DATE #) BY OFFICE

BOUNDARY AND TOPOGRAPHIC SURVEY  
 PARCELS A, B, & C OF RITA W. SHAW PLAT (P.B. 146, PG. 25)  
 & PARCEL A OF THE C.I.B.D. PLAT (P.B. 140, PG. 28)

A PORTION OF SECTIONS 34  
 TOWNSHIP 30 SOUTH, RANGE 42 EAST  
 BROWARD COUNTY, FLORIDA

SHEET NO.	5
OF	6 SHEETS
PROJECT NO.	18041C



**KS KEITH & SCHAARS**

6565 NORTH ANDREWS AVENUE, FORT LAUDERDALE, FL 33309-7132 (954) 776-1616  
LIB 1337

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DATE	REVISIONS
07/17/18	2018 AREA UNDERGROUND PIPE #10 & CORRECT SURVEY DATA & TABLES OF OFFICE RECORD

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DATE	12/19/2017
SCALE	AS SHOWN
FIELD BOOK	1417, 1485
DRAWN BY	MJS
CHECKED BY	B.R.M.

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<b>BOUNDARY AND TOPOGRAPHIC SURVEY</b>
PARCELS A, B, & C OF RITA W. SHAW PLAT (P.B. 146, PG. 25) & PARCEL A OF THE C.I.B.D. PLAT (P.B. 140, PG. 28)
A PORTION OF SECTIONS 34 TOWNSHIP 30 SOUTH, RANGE 42 EAST BROWARD COUNTY, FLORIDA

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SHEET NO.	6
OF	6 SHEETS
PROJECT NO.	18041C