

1 RESOLUTION NO. 2018-

2 A RESOLUTION OF THE BOARD OF COUNTY
3 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
4 AUTHORIZING THE RENEWAL OF AN EXISTING AVIGATION
5 EASEMENT OVER A PORTION OF COUNTY-OWNED
6 PROPERTY IN FAVOR OF THE CITY OF FORT LAUDERDALE;
7 AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE
8 DATE.

9 WHEREAS, Broward County ("County") owns title to certain real property
10 identified as folio number 5042-10-23-0010 ("County Property"), as more particularly
11 described in the legal description within the Avigation Easement attached hereto and
12 made a part hereof as Attachment 1 ("Avigation Easement"); and

13 WHEREAS, the Board of County Commissioners of Broward County, Florida
14 ("Board"), at a regular meeting held on December 10, 1996, adopted Resolution
15 No. 96-1091, which authorized the County to grant the Avigation Easement to the City
16 of Fort Lauderdale ("City") over a portion of the County Property to promote safety and
17 protect air navigation for the John Fuhrer Downtown Helistop atop the City's Central
18 Business District Parking Garage; and

19 WHEREAS, the Avigation Easement was recorded on January 22, 1997, in
20 Official Records Book 25933, Page 802 of the Public Records of Broward County; and

21 WHEREAS, the Avigation Easement provided for an initial term of twenty (20)
22 years ("Initial Term"), and for up to three (3) additional ten (10) year terms upon mutual
23 agreement of the County and City ("Renewal Term(s)"); and

24 WHEREAS, on December 6, 2016, the City Commission of the City of Fort
Lauderdale adopted Resolution No. 16-210, which authorized the City Manager to
exercise the option for the first Renewal Term; and

1 WHEREAS, the Initial Term of the Avigation Easement expired on
2 December 10, 2016; and

3 WHEREAS, the Board finds that the exercise of the first Renewal Term for the
4 Avigation Easement serves a public purpose and is in the best interests of the County,
5 NOW, THEREFORE,

6
7 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
8 BROWARD COUNTY, FLORIDA:

9
10 Section 1. The recitals set forth in the preamble to this Resolution are true,
11 accurate, and incorporated by reference herein as though set forth in full hereunder.

12 Section 2. The Board hereby authorizes the exercise of the first Renewal
13 Term for the Avigation Easement, which extends the term of the Avigation Easement
14 from December 10, 2016 until December 10, 2026.

15 Section 3. SEVERABILITY.

16 If any portion of this Resolution is determined by any Court to be invalid, the
17 invalid portion shall be stricken, and such striking shall not affect the validity of the
18 remainder of this Resolution. If any Court determines that this Resolution, or any
19 portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies),
20 property(ies), or circumstance(s), such determination shall not affect the applicability
21 hereof to any other individual group, entity, property, or circumstance.

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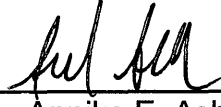
Section 4. EFFECTIVE DATE.

This Resolution shall become effective upon adoption.

ADOPTED this _____ day of _____, 2018.

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

By  4/13/18
Irma Qureshi (Date)
Assistant County Attorney

By  4/13/18
Annika E. Ashton (Date)
Senior Assistant County Attorney

IQ/mdw
04/13/2018
Authorizing Avigation Easement Extension - City of Fort Lauderdale Reso
244501

97-035279 T#001
01-22-97 05:10PM

PREPARED BY AND RETURN TO:
David E. Feldheim, Esq.
City of Fort Lauderdale
P.O. Box 14250
Fort Lauderdale, Florida 33302

AVIGATION EASEMENT

THIS INDENTURE, made this 18th day of
DECEMBER, 1994, between:

BROWARD COUNTY, a political subdivision of the
State of Florida, whose P.O. address is 115 S.
Andrews Avenue, Fort Lauderdale, FL, 33301, of the
County of Broward, State of Florida, Grantor;

and

CITY OF FORT LAUDERDALE, a municipal corporation
existing under the laws of the State of Florida,
whose P.O. address is 100 North Andrews Avenue,
Fort Lauderdale, FL, 33301, of the County of
Broward, State of Florida, Grantee.

200003330002

W I T N E S S E T H:

That the said Grantor, for and in consideration of the sum
of TEN DOLLARS (\$10.00) and other good and valuable considerations to
said Grantor in hand paid by said Grantee, receipt of which is hereby
acknowledged, has granted, bargained and sold unto the said Grantee,
an easement over a portion of that certain parcel of land situated,
lying and being in Fort Lauderdale, Broward County, Florida,
described as follows:

BLOCK "A", "STRANAHANS SUBDIVISION OF LOTS
13 TO 18 INCLUSIVE, BLOCK 14, OF TOWN OF
FORT LAUDERDALE", AS RECORDED IN PLAT BOOK
3, PAGE 10, OF THE PUBLIC RECORDS OF DADE
COUNTY, FLORIDA; LESS AND EXCEPT THOSE
LANDS DESCRIBED AS PARCEL 1 OF CITY OF FORT
LAUDERDALE RIGHT OF WAY NUMBER 183, AS
RECORDED IN OFFICIAL RECORD BOOK 8156, PAGE
406, OF THE PUBLIC RECORDS OF BROWARD
COUNTY, FLORIDA; SAID LANDS SITUATE, LYING
AND BEING IN THE CITY OF FORT LAUDERDALE,
BROWARD COUNTY, FLORIDA.



FEE ITEM
RETURN TO
FRONT RECORDING

(5)
D/A

(hereinafter referred to as "the Parcel").

for the purpose of protecting that part of the northwest approach surface and the airspace above it of the Fort Lauderdale Downtown Heliport, as shown on Exhibit "A", attached to and made a part of this document (hereinafter referred to as the "Avigation Easement").

The Fort Lauderdale Downtown Helistop is located on top of the Central Business District Parking Garage, owned by Grantee and legally described on Exhibit "B", attached to and made a part of this document.

The Grantor agrees that it, its heirs, successors and assigns shall not hereafter erect, or permit the erection of any structure, or growth of any tree or other object, originating from the Parcel, within the Avigation Easement. The Grantee acknowledges and affirms that at the time of delivery of this grant, there is no such structure, or growth of any tree or other object, originating from the Parcel, that penetrates the Avigation Easement. The Grantor has relied on such representation in granting this Avigation Easement.

The Grantor further agrees that the Avigation Easement and rights hereby granted to the Grantee are for the purpose of ensuring that the Avigation Easement shall remain free and clear of any structure, tree, or other object which is or would constitute an obstruction or hazard to the flight of rotorcraft in landing or taking off from the Fort Lauderdale Downtown Helistop; that these rights shall include, but not be limited to the following:

1. For the use and benefit of the public, the right of flight for the passage of rotorcraft in the Avigation Easement, together with the right to cause such noise and such incidence of flight as may be inherent in the operation of rotorcraft, now known or hereafter used for navigation or of flight in air, using said Avigation Easement for taking off from, landing at or operating on the Fort Lauderdale Downtown Helistop. Such usage is subject to all applicable laws and regulations.
2. The continuing and perpetual right to cut trees, bushes, shrubs, or any other growth extending into, or which in the future could infringe upon or extend into or above the Avigation Easement from the Parcel.
3. The right to remove, raze or destroy those portions of buildings, other structures and land infringing upon or extending into the Avigation Easement from the Parcel, together with the right to prohibit the future erection of

RECORDED

buildings or other structures which would infringe upon or extend into the Avigation Easement from the Parcel, subject to Grantee giving to Grantor thirty (30) days advance written notice except in the case of an immediate hazard to avigation.

- 4. The right to mark and light as obstructions to air navigation, any and all structures, trees or other objects on the Parcel for the purpose of enhancing or preserving aviation safety.

TO HAVE AND TO HOLD said Avigation Easement and all rights appertaining thereto unto the Grantee, for a term of twenty (20) years, which can be extended for three (3) additional ten (10) year terms upon mutual agreement of the parties, or until said Fort Lauderdale Downtown Helistop shall be abandoned and shall cease to be used for public aviation purposes, whichever comes first, and upon either occurrence of which this Avigation Easement will automatically terminate. This Avigation Easement is non-assignable and is personal to Grantee.

IT IS UNDERSTOOD AND AGREED that these covenants and agreements shall run with the land and shall be binding upon the heirs, administrators, executors, successors and assigns of the Grantor and that for the purpose of this instrument, the Parcel shall be the servient tenement and the Fort Lauderdale Downtown Helistop shall be the dominant tenement.

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand and seal the day and year first above written.

ATTEST:

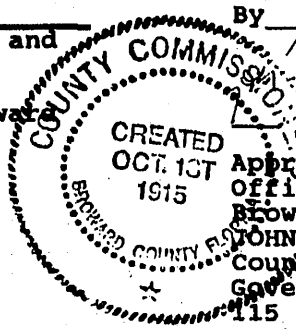
[Handwritten signature]

County Administrator and Ex-Officio Clerk of the Board of County Commissioners of Broward County, Florida

BROWARD COUNTY, through its BOARD OF COUNTY COMMISSIONERS

BY *[Handwritten signature]*
Chair

Day of *January*, 1997.



Approved as to form by
Office of County Attorney
Broward County, Florida
JOHN J. COPELAN, JR.,
County Attorney
Governmental Center, Suite 423
115 S. Andrews Ave.
Fort Lauderdale, FL 33301

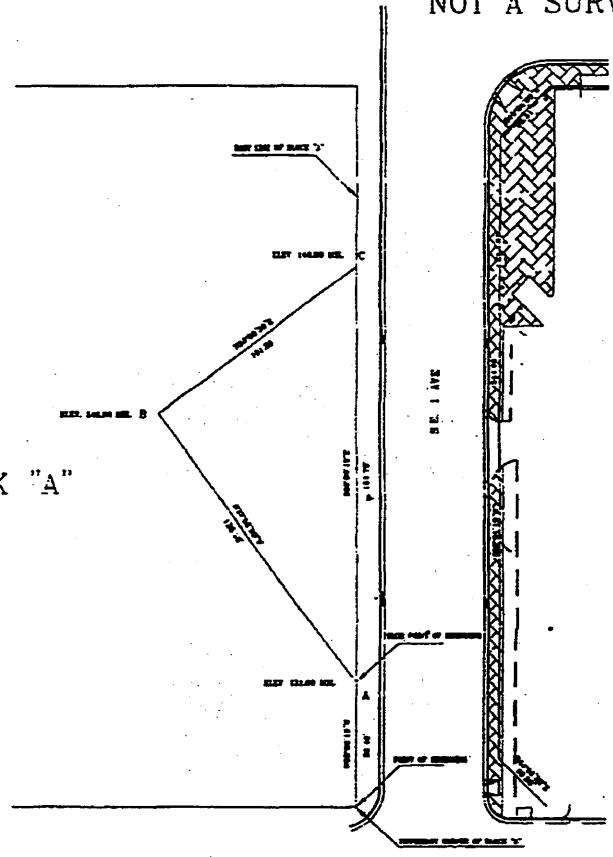
By *[Handwritten signature]*

EX25933530004

SKETCH OF DESCRIPTION

NOT A SURVEY

BLOCK "A"



AVIGATION EASEMENT

A PORTION OF BLOCK "A", "STRANAHAN'S SUBDIVISION OF LOTS 13, 14, 15, 16, 17 AND 18, BLOCK 14, TOWN OF FORT LAUDERDALE, FLORIDA" ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 3, PAGE 10, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA AND BEING ALL MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK "A"; THENCE N 00° 00' 19" W 26.45 FEET ALONG THE EAST LINE OF SAID BLOCK "A" TO THE TRUE POINT OF BEGINNING; THENCE N 37° 52' 20" W 135.18 FEET; THENCE N 55° 00' 30" E 101.28 FEET; THENCE S 00° 00' 19" E 164.79 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 6,236 SQUARE FEET.

THE NORTHWESTERLY HELIPORT PROTECTION ZONE APPROACH SURFACE IS A TRAPEZOIDAL PLANE WITH A SLOPE OF 8 TO 1 (ONE FOOT OF ELEVATION FOR EACH EIGHT FEET OF HORIZONTAL DISTANCE) LOCATED DIRECTLY ABOVE THE NORTHWESTERLY HELIPORT PROTECTION ZONE APPROACH AREA, HEREBY DESCRIBED, WHICH INCLINED PLANE HAS AN ELEVATION OF 131.60 FEET ABOVE MEAN SEA LEVEL AT ITS INNER AND LOWER EDGE LOCATED AT POINT "A" AS SHOWN ON SKETCH OF DESCRIPTION, AND AN ELEVATION OF 148.50 FEET ABOVE MEAN SEA LEVEL AT ITS OUTER AND UPPER EDGE ALONG LINE "BC" AS SHOWN ON SAID SKETCH. ATTACHED HERETO AND MADE PART HEREOF.

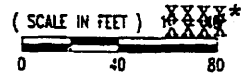
I HEREBY CERTIFY THAT THIS DESCRIPTION WAS PREPARED BY ME, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND CONFORMS TO THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA AS SET FORTH IN CHAPTER 91.017-4 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027 FLORIDA STATUTES, AND IS A TRUE REPRESENTATION OF AN ANGATIONAL EASEMENT BASED ON DATA FROM DESIGN DRAWINGS PREPARED BY HWTS ARCHITECTS ENGINEERS AND PLANNERS. ALL DISTANCES AND ANGLES ARE CALCULATED AS PER DESIGN CRITERIA.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

JOHN E. BARDEK
PROFESSIONAL LAND SURVEYOR AND MAPPER
850 TYLER AVENUE
DELTONA, FLORIDA 32725

SIGNED: *J. E. Bardek*
CERTIFICATE NUMBER 1120
STATE OF FLORIDA

DATE SIGNED AND SEALED: 9-11-96



NOTE:
BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING IN 0° 00' 19" W ALONG THE EAST LINE OF BLOCK "A", STRANAHAN'S SUBDIVISION OF TOWN OF FORT LAUDERDALE, FLORIDA.

*Note: Drawing size reduced; Not to scale

Exhibit "A"

3K25933F0305

DESCRIPTION: CENTRAL BUSINESS DISTRICT PARKING GARAGE SITE

LOTS 18 THROUGH 25, BLOCK 28, "EVA A. OLIVER'S SUBDIVISION OF BLOCK 28, OF TOWN OF FORT LAUDERDALE", AS RECORDED IN PLAT BOOK 1, PAGE 37 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; TOGETHER WITH THAT PORTION OF THE NOW VACATED 10 FOOT ALLEY, LYING IN SAID BLOCK 28 AND ADJACENT TO SAID LOTS; LESS AND EXCEPT THOSE PORTIONS OF SAID LOTS DEEDED FOR PUBLIC RIGHT OF WAY; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL "A", "GOVERNORS CLUB PLAT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 152, PAGE 5, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE NORTH 00°00'08" EAST, ALONG THE WEST RIGHT OF WAY LINE OF SOUTHEAST 2ND AVENUE, A DISTANCE OF 170.02 FEET; THENCE NORTH 44°56'07" WEST, A DISTANCE OF 28.25 FEET; THENCE NORTH 89°52'23" WEST, ALONG THE SOUTH RIGHT OF WAY LINE OF SOUTHEAST 2ND STREET, A DISTANCE OF 240.29 FEET; THENCE SOUTH 45°04'28" WEST, A DISTANCE OF 28.31 FEET; THENCE SOUTH 00°01'19" WEST, ALONG THE EAST RIGHT OF WAY LINE OF SOUTHEAST 1ST AVENUE, A DISTANCE OF 170.04 FEET; THENCE SOUTH 89°53'35" EAST, ALONG THE SOUTH LINE OF LOTS 18 AND 19 OF SAID BLOCK 28, AND THE NORTH LINE OF SAID PARCEL "A", A DISTANCE OF 280.35 FEET THE POINT OF BEGINNING.

TOGETHER WITH:

ALL OF BLOCK "B", "STRANAHAN'S SUBDIVISION OF LOTS 13 TO 18, INCLUSIVE, BLOCK 14, OF TOWN OF FORT LAUDERDALE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK, 3, PAGE 10, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; TOGETHER WITH THE NOW VACATED 10 FOOT ALLEY LYING IN SAID BLOCK "B"; LESS AND EXCEPT THOSE PORTIONS OF SAID BLOCK "B", DEEDED FOR PUBLIC RIGHT OF WAY; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 6, OF SAID BLOCK "B"; THENCE NORTH 89°52'23" WEST, ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 30.07 FEET; THENCE NORTH 00°07'37" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 45°03'53" EAST, A DISTANCE OF 28.32 FEET; THENCE NORTH 00°00'08" EAST, ALONG THE WEST RIGHT OF WAY LINE OF SOUTHEAST 2ND AVENUE, A DISTANCE OF 245.00 FEET; THENCE NORTH 44°56'26" WEST, A DISTANCE OF 28.26 FEET; THENCE NORTH 89°53'00" WEST, ALONG THE SOUTH RIGHT OF WAY LINE OF SOUTHEAST 1ST STREET, A DISTANCE OF 240.17 FEET; THENCE SOUTH 45°04'09" WEST, A DISTANCE OF 28.31 FEET; THENCE SOUTH 00°01'19" WEST, ALONG THE EAST RIGHT OF WAY LINE OF SOUTHEAST 1ST AVENUE, A DISTANCE OF 244.96 FEET; THENCE SOUTH 44°55'32" EAST, A DISTANCE OF 28.26 FEET; THENCE SOUTH 89°52'23" EAST, ALONG THE NORTH RIGHT OF WAY LINE OF SOUTHEAST 2ND STREET, A DISTANCE OF 240.26 FEET, TO THE POINT OF BEGINNING.

EX-15933530006

TOGETHER WITH:

THAT PORTION OF SOUTHEAST 2ND STREET (FORMERLY NORTH 3RD STREET), BOUNDED ON THE WEST BY THE EAST RIGHT OF WAY LINE OF SOUTHEAST 1ST AVENUE (FORMERLY PRATT AVENUE), AND BOUNDED ON THE EAST BY THE WEST RIGHT OF WAY LINE OF SOUTHEAST 2ND AVENUE (FORMERLY VALENTINE AVENUE).

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Exhibit "B"

RECORDED IN THE PUBLIC RECORDS BOOK
OF BROWARD COUNTY, FLORIDA
COUNTY ADMINISTRATOR