

ITEM #66

ADDITIONAL MATERIAL

Regular Meeting

MAY 7, 2019

SUBMITTED AT THE REQUEST OF

OFFICE OF THE COUNTY ATTORNEY

ITEM 66 ON THE AGENDA FOR THE MAY 7, 2019, COMMISSION MEETING

Please note that the motion language has been revised to include the adoption of a resolution by the Board (resolution attached), and to direct the Office of the County Attorney to draft agreements with the City of Pompano Beach and the Pompano Beach CRA, which agreements the County Administrator will be authorized to execute.

Currently reads:

MOTION TO AUTHORIZE conveyance of 21 parcels of land located in Pompano Beach to the City of Pompano Beach subject to affordable housing restrictions, with the exception of one parcel which shall be subject to public park purposes and two parcels to the Pompano Beach CRA subject to affordable housing restrictions; and authorize Mayor and Clerk to execute all required documents to effectuate the transfer subject to the review and approval as to legal sufficiency by the Office of the County Attorney; and authorize recordation of same. **(Commission Districts 2 and 4) (Deferred from April 9, 2019 - Item No. 46)**

Should read:

MOTION TO ADOPT Resolution conveying, pursuant to Section 125.38, Florida Statutes, twenty-one parcels of land located in Pompano Beach to the City of Pompano Beach ("City") subject to affordable housing restrictions, with the exception of one parcel which shall be subject to public park purposes, and two parcels of land to the Pompano Beach CRA ("CRA") subject to affordable housing restrictions; directing the Office of the County Attorney to draft agreements pursuant to which the City and CRA agree to abide by such restrictions and purposes, and authorizing the County Administrator to execute such agreements on behalf of the County; authorizing the County Administrator to execute all required documents to effectuate the transfer subject to the review and approval as to legal sufficiency by the Office of the County Attorney; and authorizing recordation of documents where required. **(Commission Districts 2 and 4) (Deferred from April 9, 2019 - Item No. 46)**

PROPOSED

RESOLUTION NO. 2019-

1
2 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
3 OF BROWARD COUNTY, FLORIDA, AUTHORIZING THE
4 CONVEYANCE OF CERTAIN REAL PROPERTY TO THE CITY OF
5 POMPANO BEACH ("CITY") AND TO THE POMPANO BEACH
6 COMMUNITY REDEVELOPMENT AGENCY ("CRA") PURSUANT
7 TO SECTION 125.38, FLORIDA STATUTES; DETERMINING THAT
8 THE CITY AND THE CRA APPLIED FOR THE CONVEYANCE OF
9 CERTAIN COUNTY-OWNED REAL PROPERTY FOR THE
10 PURPOSES STATED HEREIN IN ACCORDANCE WITH
11 SECTION 125.38, FLORIDA STATUTES; DETERMINING THAT
12 THE PURPOSES STATED HEREIN PROMOTE PUBLIC OR
13 COMMUNITY INTEREST AND WELFARE; DETERMINING THAT
14 THE CERTAIN REAL PROPERTY IS REQUIRED BY THE CITY
15 AND THE CRA FOR THE PURPOSES STATED HEREIN AND IS
16 NOT NEEDED FOR COUNTY PURPOSES; AUTHORIZING THE
17 COUNTY ADMINISTRATOR TO EXECUTE AGREEMENT WITH
18 THE CITY, AN AGREEMENT WITH THE CRA, AND THE
19 NECESSARY CONVEYANCE INSTRUMENTS, AS PREPARED
20 AND APPROVED BY THE OFFICE OF THE COUNTY ATTORNEY,
21 TO CONVEY TO THE CITY AND THE CRA THAT CERTAIN REAL
22 PROPERTY WITH USE RESTRICTIONS FOR THE PURPOSES
23 STATED HEREIN; AND PROVIDING FOR SEVERABILITY AND AN
24 EFFECTIVE DATE.

15 WHEREAS, Broward County ("County") holds title to twenty-three (23) parcels of
16 real property located in the City of Pompano Beach, as more particularly described in
17 Exhibit A attached to and made a part of this Resolution (collectively, the "23 Parcels");

18 WHEREAS, Section 125.38, Florida Statutes, states that if "the state or any
19 political subdivision or agency thereof, or any municipality of this state...should desire
20 any real or personal property that may be owned by any county of this state or by its board
21 of county commissioners, for public or community interest and welfare, then the...state or
22 such political subdivision, agency, municipality...may apply to the board of county
23 commissioners for a conveyance or lease of such property. Such board, if satisfied that
24 such property is required for such use and is not needed for county purposes, may

1 thereupon convey or lease the same at private sale to the applicant for such price,
2 whether nominal or otherwise, as such board may fix, regardless of the actual value of
3 such property. The fact of such application being made, the purpose for which such
4 property is to be used, and the price or rent therefor shall be set out in a resolution duly
5 adopted by such board”;

6 WHEREAS, the City of Pompano Beach (“City”) desires (i) twenty (20) parcels of
7 the 23 Parcels for affordable housing purposes and (ii) one (1) parcel of the 23 Parcels
8 for public park purposes, which parcels are more particularly described in Exhibit A (the
9 “21 Parcels”);

10 WHEREAS, the Pompano Beach Community Redevelopment Agency (“CRA”)
11 desires two (2) parcels of the 23 Parcels for affordable housing purposes, which parcels
12 are more particularly described in Exhibit A (the “2 Parcels”);

13 WHEREAS, the City and the CRA applied to the Board of County Commissioners
14 of Broward County, Florida (“Board”), for the conveyance of the 23 Parcels for the
15 purposes mentioned above (the “Stated Purposes”);

16 WHEREAS, the Board supports the use of the 23 Parcels for the Stated Purposes;
17 and

18 WHEREAS, the Board desires to approve and authorize the execution of (i) an
19 agreement between the County and the City to convey the 21 Parcels to the City for the
20 Stated Purposes, (ii) an agreement between the County and the CRA to convey the
21 2 Parcels to the CRA for the Stated Purposes, and (iii) any instruments necessary for the
22 conveyance of the 23 Parcels for the Stated Purposes, NOW, THEREFORE,
23
24

1 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
2 BROWARD COUNTY, FLORIDA:

3 Section 1. The recitals set forth in the preamble to this Resolution are true,
4 accurate, and deemed incorporated by reference herein as though set forth in full
5 hereunder.

6 Section 2. The Board finds that (1) the City and the CRA applied to the Board
7 for the conveyance of the 23 Parcels for the Stated Purposes in accordance with
8 Section 125.38, Florida Statutes; (2) the Stated Purposes promote public or community
9 interest and welfare; and (3) the 23 Parcels are required by the City and the CRA for the
10 Stated Purposes, and are not needed for County purposes.

11 Section 3. The Board authorizes the conveyance of the 21 Parcels to the City
12 for the Stated Purposes in exchange for the total price of One Dollar (\$1.00) for each
13 parcel, subject to the City's and County Administrator's execution of an agreement and
14 the necessary conveyance instruments that are prepared and approved by the Office of
15 the County Attorney.

16 Section 4. The Board authorizes the conveyance of the 2 Parcels to the CRA
17 for the Stated Purposes in exchange for the total price of One Dollar (\$1.00) for each
18 parcel, subject to the CRA's and County Administrator's execution of an agreement and
19 the necessary conveyance instruments that are prepared and approved by the Office of
20 the County Attorney.

21 Section 5. The Board authorizes the County Administrator to approve and
22 execute an (i) an agreement between the County and the City to convey the 21 Parcels
23 to the City for the Stated Purposes, (ii) an agreement between the County and the CRA
24 to convey the 2 Parcels to the CRA for the Stated Purposes, and (iii) any instruments

1 necessary for the conveyance of the 23 Parcels for the Stated Purposes, subject to the
2 approval as to legal sufficiency by the Office of the County Attorney.

3 Section 6. Severability.

4 If any portion of this Resolution is determined by any court to be invalid, the invalid
5 portion will be stricken, and such striking will not affect the validity of the remainder of this
6 Resolution. If any court determines that this Resolution, in whole or in part, cannot be
7 legally applied to any individual, group, entity, property, or circumstance, such
8 determination will not affect the applicability of this Resolution to any other individual,
9 group, entity, property, or circumstance.

10 Section 7. Effective Date.

11 This Resolution is effective upon adoption.

12
13 ADOPTED this _____ day of _____, 2019.

14
15 Approved as to form and legal sufficiency:
16 Andrew J. Meyers, County Attorney

17 By /s/ Irma Qureshi 05/02/19
18 Irma Qureshi (date)
19 Assistant County Attorney

PROPOSED

20 By /s/ Maite Azcoitia 05/02/19
21 Maite Azcoitia (date)
22 Deputy County Attorney

23 IQ/
05/01/19
Parcels for Pompano Beach Reso
24 #433288

EXHIBIT A
23 PARCELS

21 PARCELS TO BE CONVEYED TO CITY OF POMPANO BEACH						Future Use
County #	# on Map	Folio	Neighborhood	Address	Zoning	
2	24	484235000640	Blanche Ely	NW 6 Street	RM-12	OHUI AFFORDABLE HOUSING MULTI-FAMILY UNIFY W/ 484235000660 OWNED BY COPB
3	25	484235010542	Blanche Ely	NW 5 Avenue	RM-12	OHUI AFFORDABLE HOUSING MULTI-FAMILY
4	1	484233043380	Collier City	2713 NW 6 Street	RS-3	OHUI AFFORDABLE HOUSING SINGLE FAMILY RESIDENCE
5	2	484233045130	Collier City	NW 4th Court	RS-3	OHUI AFFORDABLE HOUSING SFR - ADMIN. ADJ. OR VARIANCE MAY BE REQUIRED FOR LOT COVERAGE, SETBACKS
6	3	484233045540	Collier City	NW 30 Avenue	RS-3	OHUI AFFORDABLE HOUSING SFR - ADMIN. ADJ. OR VARIANCE MAY BE REQUIRED FOR LOT COVERAGE, SETBACKS
7	4	484233046170	Collier City	2820 NW 4 Street	RS-3	OHUI AFFORDABLE HOUSING SFR - ADMIN. ADJ. OR VARIANCE MAY BE REQUIRED FOR LOT COVERAGE, SETBACKS
8	2	484233110930	Collier City	NW 7 Street	RS-3	OHUI AFFORDABLE HOUSING SINGLE FAMILY RESIDENCE
9	3	484234060140	Old Collier	NW 20 Avenue	RS-3	OHUI AFFORDABLE HOUSING SINGLE FAMILY RESIDENCE
10	4	484234020440	Old Collier	612 NW 16 Avenue	RS-4	OHUI AFFORDABLE HOUSING SINGLE FAMILY RESIDENCE
11	5	484235420160	Blanche Ely	710 NW 5 Avenue	RS-4	OHUI AFFORDABLE HOUSING SINGLE FAMILY RESIDENCE
12	6	484235670020	Blanche Ely	NW 10 Street	RS-4	UNIFY W/ FOLIOS 484235670030 & 484235670040 FOR 29,626 SQ FT ASSEMBLY FOR FUTURE DEVELOPMENT 10-11 DU
13	7	484235670030	Blanche Ely	NW 10 Street	RS-4	UNIFY W/ FOLIOS 484235670030 & 484235670040 FOR 29,626 SQ FT ASSEMBLY FOR FUTURE DEVELOPMENT 10-11 DU
14	8	484235670040	Blanche Ely	NW 10 Street	RS-4	UNIFY W/ FOLIOS 484235670030 & 484235670040 FOR 29,626 SQ FT ASSEMBLY FOR FUTURE DEVELOPMENT 10-11 DU
A	23	484233022040	Old Collier	NW 2 Street	RM-12	OHUI AFFORDABLE HOUSING UNIFY W/ 484233022050 MULTI-FAMILY
B	24	484233022050	Old Collier	NW 2 Street	RM-12	OHUI AFFORDABLE HOUSING UNIFY W/ 484233022040 MULTI-FAMILY
C	25	484235390020	Blanche Ely	706 NW 6 Street	TO	OHUI AFFORDABLE HOUSING UNIFY W/ 484235390010 CURRENTLY OWNED BY POMPANO BEACH CRA
D	26	484233045650	Collier City	3049 NW 4 Street	B-3	CITY TO SURPLUS OR PURCHASE ADJACENT PROPERTY AND UNIFY FOR DEVELOPMENT
E	27	484233047620	Collier City	3012 NW 2 Street	RD-1	DEVELOP AS COLLIER CITY MINI-PARK
F	28	484233022010	Old Collier	2340 NW 2 Street	RM-12	OHUI AFFORDABLE HOUSING SFR OR MULTI-FAMILY VARIANCE REQUIRED FOR LOT WIDTH AND AREA FOR MF
G	29	494202031200	South Dixie	SW 8 Street	RM-20	OHUI AFFORDABLE HOUSING MULTI-FAMILY VARIANCE REQUIRED FOR LOT WIDTH AND AREA
H	30	494202040120	South Dixie	860 SW 6 Street	RM-20	OHUI AFFORDABLE HOUSING MULTI-FAMILY VARIANCE REQUIRED FOR LOT WIDTH AND AREA
2 PARCELS TO BE CONVEYED TO POMPANO BEACH CRA						
1	23	484234080060	Old Collier	NW 9 Street	RM-12	CRA FRINGE INNOVATION DISTRICT ASSEMBLE FOR FUTURE DEVELOPMENT
15	22	484235020350	Blanche Ely	NW 5 Street	TO	CRA WORKFORCE HOUSING SFR OR MULTI-FAMILY VARIANCE REQUIRED FOR LOT WIDTH