

RESOLUTION NO. 2014 - 53

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, DECLARING PUBLIC PURPOSE AND NECESSITY TO TRANSFER RESTRICTIVE COVENANTS AND REVERTER RIGHTS FROM A CERTAIN PARCEL OF PROPERTY ("EXISTING MAIN FIRE STATION PROPERTY") MORE PARTICULARLY DESCRIBED HEREIN AND LOCATED AT 121 SW. 3RD ST., HALLANDALE BEACH, FLORIDA 33009 TO A CERTAIN PARCEL OF PROPERTY ("CHAVES LAKE PARK PROPERTY") MORE PARTICULARLY DESCRIBED HEREIN AND LOCATED AT THE SOUTHEAST CORNER OF NW 6TH STREET AND NW 9TH AVENUE, FOR THE DEVELOPMENT AND CONSTRUCTION OF A MAIN FIRE FACILITY; AUTHORIZING THE CITY ATTORNEY TO PREPARE TERMINATION OF RESTRICTIVE COVENANTS AND RELEASE OF REVERTER RIGHTS, DECLARATION OF RESTRICTIVE COVENANTS AND ESTABLISHMENT OF CONTINGENT REMAINDER INTEREST; AUTHORIZING CITY ATTORNEY AND CITY MANAGER TO EXECUTE AND TO DO ALL THINGS PERTINENT TO EFFECTUATING THE TERMS OF THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Hallandale Beach, has undertaken an assessment of its responsibility and capacity to provide for the safety and security of the City's community of residents, visitors and businesses, including the protection of life, personal and real property through the delivery of emergency fire responder services and the establishment of the Fire Department Capital Improvement Plan (CIP); and

WHEREAS, the objective of the CIP is to provide for facilities and equipment that support the City's firefighting personnel, as well as to assist in the delivery of emergency services to the City's resident and business communities; and

WHEREAS, in addition to its CIP and pursuant to a Fire Resource Allocation Study, completed in February 2011, the City Commission has received a recommendation from City Staff, which concludes that it is necessary to replace and relocate Fire Station 7 (the oldest occupied firehouse in Broward County, built in 1973) from its current location because it has outlived its useful life, is costly to maintain and does not provide adequate space to either protect equipment, train personnel, properly accommodate handicapped and multi-gender populations, nor is it accessible or presentable to the Community; and

WHEREAS, despite annual expenditures for renovations and repairs to Fire Station 7 which have cost the City's taxpayers millions of dollars since 1999, such renovations and costs

have not and are not expected to adequately address several substantial deficiencies that continue to exist at Fire Station 7, including its (a) noncompliance with the Americans with Disabilities Act, (b) inadequate fire protection systems, (c) inadequate storage and maintenance areas, (d) inadequate HVAC system, and (d) improper ventilation between living area and the apparatus bay; and

WHEREAS, the City Administration has also recommended relocation of Fire Station 7 slightly further north and west of its existing location because it would greatly improve first unity response time within numerous sections of the City, insuring compliance with the minimum set of service parameters considered necessary for providing public fire protection by career fire departments within the United States, in accordance with National Fire Protection Association (NFPA); and

WHEREAS, on February 19, 2014 City Commission approved Resolutions No. 2014-14 and 2014-15, which among other things, authorized City staff to acquire additional properties for purposes of assembling several parcels of land located in the southwest quadrant area between Fifth Street/Foster Road on the north, NW 2nd Avenue on the west, NW 1st Avenue on the East and NW 4th Street on the south for the purpose of constructing a new state-of-the-art Main Fire Station facility encompassing 22,000 square feet on said lands; and

WHEREAS, the City Commission has also approved the sale of the Existing Fire Station Property located at 121 Southwest 3rd Street, and providing that the proceeds from such sale shall be dedicated to the acquisition and construction of a new Main Fire Station; and

WHEREAS, the City is currently under contract to sell the Existing Main Fire Station Property ("Main Fire Station Property Transaction") to a private developer who intends to develop such property with a substantial commercial use, and further that the closing of such Main Fire Station Property Transaction is presently scheduled to consummate not later than June 23, 2014, time being of the essence; and

WHEREAS, the City Administration has recently discovered that the Main Existing Fire Station Property was originally granted and conveyed to the City by The Board of Public Instruction for the County of Broward, State of Florida, a corporation existing under the laws of the state of Florida, now known as the School Board of Broward County ("SBBC") by virtue of a

74 certain warranty deed ("Deed") and that said Deed contains certain restrictive covenants in favor
75 of and for the benefit of SBBC, namely restricting the use of said property to one or more of the
76 following public purposes:

77 a site for municipal building; as a site for a civic or community center and building
78 now existing or to be erected thereon for use as a civic, or community center by
79 citizens of the Town of Hallandale, and by all civic and community organizations
80 of said Town; for public park purposes and as a site upon which the appropriate
81 buildings may be erected for uses incidental to park purposes (the "Restrictive
82 Covenants"); and

83 **WHEREAS**, the Deed further provides that Grantee (Town), including its successors and
84 assigns have the duty to prevent the use of the property for purposes other than as permitted by
85 the Restrictive Covenants that the breach of the Restrictive Covenants to automatically cause title
86 to property to revert to and become vested in the SBBC ("Reverter Rights"); and
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88 **WHEREAS**, the City desires to consummate the Main Fire Station Property Transaction
89 with the private developer, however, now recognizes the need to cause the termination of the
90 Restrictive Covenants and Reverter Rights which encumber the Main Fire Station Property, and
91 has since received an offer from the SBBC providing for the termination of the Restrictive
92 Covenants and Reverter Rights, although contingent upon said Restrictive Covenants and
93 Reverter Rights being transferred to another mutually agreeable City-owned property; and
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95 **WHEREAS**, the City Administration has identified a 3.88 acre parcel located at the
96 Southeast corner of Northwest 6th Street and 9th Avenue, now known as the Chaves Lake Park
97 property, and further affirms and recommends that such property is suitable for a proposed
98 transfer of the Restrictive Covenants and Right of Reverter, which now encumber the Existing
99 Main Fire Station Property to the Chaves Lake Park Property; and
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101 **WHEREAS**, in furtherance of the proposed transfer, the Superintendent of the SBBC has
102 conveyed his support for the proposed transfer, including the Termination of Restrictive
103 Covenants and Right of Reverter, but contingent upon the conveyance, by the City, of a
104 declaration of restrictive covenants and establishment of the contingent remainder interest, or
105 such other transfer as would effectively transfer the Restrictive Covenants and Right of Reverter
106 from the Existing Main Fire Station Property to the Chaves Lake Park Property, and has further
107 directed SBBC Staff and the SBBC Attorney to prepare and review such documents and
108 instruments, initially prepared and proposed by the City, as are necessary to support his

recommendation to the SBBC for its consideration and approval.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF
THE CITY OF HALLANDALE BEACH, FLORIDA, AS FOLLOWS:**

SECTION 1. Recitals. The above recitals are true and correct and are incorporated
herein by reference.

SECTION 2. Termination of Restrictive Covenants and Release of Reverter Rights.
The City Commission of the City of Hallandale Beach hereby authorizes the City Attorney, City
Manager and City Mayor to cause the preparation, execution, recordation of such documents and
instruments, and further to do all things as are necessary and proper to cause the termination of
the Restrictive Covenants and Release of Reverter Rights now encumbering the Existing Main
Fire Station Property, legally described herein as Exhibit "A".

**SECTION 3. Declaration of Restrictive Covenants and Establishment of
Contingent Remainder Interest.** The City Commission of the City of Hallandale Beach hereby
authorizes the City Attorney, City Manager, City Mayor to do all things necessary and proper to
cause the preparation, execution, recordation of such documents and instruments as are proper
to cause or create a declaration of restrictive covenants and establishment of a contingent
remainder interest in favor of the School Board of Broward County against the City-owned
property located at the south east corner of Northwest 6th Street and Northwest 9th Avenue, known
as the Chaves Lake Park Property, legally described herein as Exhibit "B", providing however,
that such Restrictive covenants and remainder interest shall be equal in all respects to the
Restrictive Covenants and Right of Reverter provision, which now encumber the Existing Main
Fire Station Property, and further to do all things.

SECTION 4. City Manager and City Attorney Authorization. The City Manager and
City Attorney are authorized to take all necessary action to effectuate the terms and purpose of
this Resolution.

SECTION 5. Severability. If any section, subsection, clause or portion of this Resolution
is, of any reason, held invalid or unconstitutional by any court of competent jurisdiction, such
portion shall be deemed separate, distinct, provision and such holding shall not affect the validity
of the Resolution of any part.

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145 **SECTION 6. Effective Date.** This Resolution shall become effective immediately upon
146 adoption.

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148 **APPROVED AND ADOPTED** on this 21st day of May, 2014

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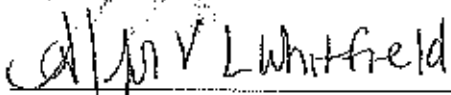

JOY F. COOPER
MAYOR

SPONSORED BY CITY ADMINISTRATION

ATTEST:


SHEENA D. JAMES, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
AND FORM


V. LYNN WHITFIELD
CITY ATTORNEY

VOTE	
AYE/NAY	
Mayor Cooper	<input checked="" type="checkbox"/>
Vice Mayor	<input checked="" type="checkbox"/>
Comm. Jordan	<input checked="" type="checkbox"/>
Comm. Lazarow	<input checked="" type="checkbox"/>
Comm. Sanders	<input checked="" type="checkbox"/>

EXHIBIT "A"

LEGAL DESCRIPTION - EXISTING MAIN FIRE STATION PROPERTY

A portion of Lot 2, Block 12, lying within the Northwest Quarter of the Southwest Quarter of Section 27, Township 51 South, Range 42 East of the Subdivision of Section 27, Township 51 South, Range 42 East, according to the "Map of the Town of Hallandale", as recorded in Plat Book "B", Page 13, of the Public Records of Dade County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of said Lot 2, also being the West one-quarter (1/4) corner of said Section 27, Township 51 South, Range 42 East; thence North 88°09'35" East, along the North line of said Lot 2, Block 12 and along the East-West one quarter (1/4) section line of said Section 27, a distance of 25.00 feet to the Point of Beginning; thence continue North 88°09'35" East, a distance of 170.91 feet to a point; thence South 01°50'22" East, a distance of 66.00 feet to a point; thence South 16°12'09" West, a distance of 90.44 feet to a point; thence South 01°50'22" East, a distance of 90.59 feet to a point; thence South 88°26'04" West, a distance of 144.06 feet to a point on a line 25.00 feet East of and parallel with the West line of said Lot 2, Block 12, and the West line of said Section 27, said point also being in the East right of way line of Southwest 2nd Avenue; thence North 01°33'56" West, on said parallel line and the East right of way line of Southwest 2nd Avenue, a distance of 241.90 feet to the Point of Beginning.

Said lands situate lying and being in Broward County, Florida.

EXHIBIT "B"

LEGAL DESCRIPTION- CHAVES LAKE PARK PROPERTY

The North ½ of Lot 1, in Block 14, in Section 21, Township 51 South, Range 42 East, according to the Plat of "TOWN OF HALLANDALE", as recorded in Plat Book B, Page 13, of the Public Records of Dade County, Florida; less that portion thereof taken by eminent domain in Case No. L64-925 in the Fifteenth Judicial Circuit in and for Broward County, Florida (Parcels 161.1, 161.3 and 161.4)

Said lands situate lying and being in Broward County, Florida.