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| PREVIOUS ITEM | | **BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS** | | | | | | | | | | | **NEXT ITEM** | | | | | |
| BCLOGOB_WLASER | | **AGENDA ITEM** | | | | | | | **#** | | | |  | | | | | |
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| **Requested Action** | | | | | (Identify appropriate Action or Motion, Authority or Requirement for Item and identify the outcome and/or purpose of item.) | | | | | | | | | | | | | |
| MOTION TO APPROVE agreement between Broward County, the City of Dania Beach, and Rolly Marine Service Company (“Rolly”) for a tri-party exchange of real property and to settle pending litigation. | | | | | | | | | | | | | | | | | | |
| **Why Action is Necessary:** | | | Board approval is required to enter into this agreement. | | | | | | | | | | | | | | | |
| **What Action Accomplishes:** | | | The approved agreement, if fully effectuated, would result in the County’s acquisition of park property, resolution of a longstanding property border issue, and full resolution of pending litigation. | | | | | | | | | | | | | | | |
| **Is this Action Commission Goal Related?** | | | | | | | | | | | |  | | **Yes** | | |  | **No** |
| **Is this Action related to the American Recovery and Reinvestment Act of 2009?** | | | | | | | | | | | |  | | **Yes** | | |  | **No** |
| **Summary Explanation/Background** | | | | | | | (The first sentence includes the Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item. Identify how item meets Commission Challenge Goal.) | | | | | | | | | | | |
| This agreement relates to the Commission goal of maintaining and enhancing a premier system of parks.  The Office of the County Attorney recommends approval of this agreement.  Due to a surveying error, Rolly believed it owned a strip of property within and along the eastern boundary of Secret Woods Park. Rolly has been using that strip of property since 1973. It is substantially paved over and built upon, and is deemed by Rolly to be essential to its business operations on the adjacent property owned by Rolly. Because the strip of property has never been used, and is currently unfit for use, as park property, the County, City of Dania Beach (the municipality within which Secret Woods Park is located), and Rolly propose entering into the attached agreement that would:  1. Convey to the City of Dania Beach, which will subsequently convey to Rolly, 16,857 square feet within Secret Woods Park. Aside from the strip of property currently occupied by Rolly, limited other property within Secret Woods Park is being conveyed to create a more regular boundary between Secret Woods Park and Rolly’s property and to allow construction of the barrier referenced below. County parks and environmental staff have worked with the Office of the County Attorney to minimize the amount of property conveyed to Rolly and to minimize the impact to trees and wetlands;  2. Convey to the County property currently owned by Rolly, consisting of 54,112 square feet adjacent to the Pine Island Ridge Nature Area. This property would be restricted to “Park Purposes,” consistent with Section 8.13 of the Broward County Charter (titled Broward County Park Preservation);  3. Result in construction, at Rolly’s sole expense, of a security/fire barrier between Secret Woods Park and Rolly’s expanded property; and  4. Result in the full settlement and dismissal with prejudice of the pending litigation between Rolly and the County.  All costs in connection with this agreement (including surveying costs, title insurance costs, environmental inspection costs, and conveyance costs) will be paid by Rolly.  A public hearing will be set on a subsequent Board agenda to effectuate the property conveyance.  The agreement has already been executed by Rolly, and is expected to be considered by the City of Dania Beach on May 28. | | | | | | | | | | | | | | | | | | |
| **Fiscal Impact/Cost Summary** | | | | | | (Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.) | | | | | | | | | | | | |
| None. | | | | | | | | | | | | | | | | | | |
| **Exhibits Attached (copies of original agreements)** | | | | | | (Please number exhibits consecutively.) | | | | | | | | | | | | |
| Exhibit 1 - Copy of Agreement | | | | | | | | | | | | | | | | | | |
| **Document Control** | | | | | | | | **Commission Action** | | | | | | | | | | |
| 2 | Executed original(s) for permanent record | | | | | | |  | | APPROVED | | | | |  | DENIED | | |
| (Number)  3 |  | | | | | | |  | |  | | | | |  |  | | |
|  | Executed copies return to: | | |  | | | |  | | DEFERRED | | | | | | | | |
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| Other instructions (Include name, agency, and phone) Andrew J. Meyers  Office of the County Attorney  954-357-7600 | | | | | | | | From: | | |  | | | | | | | |
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