



# Broward County

## Legislation Details (With Text)

**File #:** 22-973      **Version:** 1

**Status:** Agenda Ready

**In control:** County Attorney

**On agenda:** 6/7/2022      **Final action:** 6/7/2022

**Title:** MOTION TO AUTHORIZE County Administrator to execute and record Notices of Limitation of Use in substantially the form of Exhibit 1, pursuant to the Florida Department of Environmental Protection (“FDEP”) grant funding (DEP Contract No. F4294), dedicating the applicable areas, as amended by the County’s elective conversion under Rule 62D-5.059 of the Florida Administrative Code and as approved by FDEP, as outdoor recreation sites for the use and benefit of the public, subject to review for legal sufficiency by the Office of the County Attorney; authorizing the County Administrator to make any required modifications to the form provided they do not create any material financial obligations of the County; and further authorizing the County Administrator to take any necessary administrative and budgetary actions and to execute any documents or agreements that do not create any material financial obligations of the County and that are subject to review for legal sufficiency by the Office of the County Attorney, to approve and effectuate the above-referenced conversion and the recording of appropriate limitations of use.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Copy of Proposed Notices of Limitation of Use

Date	Ver.	Action By	Action	Result
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### Broward County Commission Regular Meeting

**Director’s Name:** Andrew J. Meyers

**Department:** County Attorney

### Information

#### Requested Action

MOTION TO AUTHORIZE County Administrator to execute and record Notices of Limitation of Use in substantially the form of Exhibit 1, pursuant to the Florida Department of Environmental Protection (“FDEP”) grant funding (DEP Contract No. F4294), dedicating the applicable areas, as amended by the County’s elective conversion under Rule 62D-5.059 of the Florida Administrative Code and as approved by FDEP, as outdoor recreation sites for the use and benefit of the public, subject to review for legal sufficiency by the Office of the County Attorney; authorizing the County Administrator to make any required modifications to the form provided they do not create any material financial obligations of the County; and further authorizing the County Administrator to take any necessary administrative and budgetary actions and to execute any documents or agreements that do not create any material financial obligations of the County and that are subject to review for legal sufficiency by the Office of the County Attorney, to approve and effectuate the above-referenced conversion and the recording of appropriate limitations of use.

#### Why Action is Necessary

Necessary to provide the referenced direction and authority to the County Administrator.

**What Action Accomplishes**

Provides the referenced direction and authority to the County Administrator.

**Is this Action Goal Related**

No

**Previous Action Taken**

**Summary Explanation/Background**

In 2003, FDEP provided \$200,000 in funding to the County for improvements to a local park, West Lake Park, pursuant to DEP Contract No. F4294. Due to inadvertence, the required Notice of Limitation of Use restricting the affected area (“FDEP Project Area”) as an outdoor recreation site for the use and benefit of the general public was not properly approved by the Board and recorded. Our Office and County Administration contacted FDEP and advised them of the error, as well as the County’s desire to convert a portion of the FDEP Project Area to other uses and replace that portion with another area of comparable scope and quality. FDEP approved the County’s proposal to exercise a grantee right of conversion under Rule 62D-5.059 of the Florida Administrative Code and requested a survey, legal description, and title information for the proposed replacement property. The proposed replacement property identified by County staff is park property located within nearby Hollywood North Beach Park that is of comparable scope and quality. County staff recently obtained the requested survey, legal description, and title information for that replacement property and will submit same to FDEP for its final approval. Because the proposed replacement property is already utilized solely for park purposes, the inclusion of the replacement property within the scope of the limitation of use will have no substantive impact on the County.

This item, if approved, would authorize the County Administrator to finalize the conversion approval with FDEP and file the proposed Notices of Limitation of Use (Exhibit 1) for the FDEP Project Area, as modified by the final FDEP-approved conversion (i.e., excluding the portion of the FDEP Project Area proposed for other uses and including the replacement property of comparable scope and quality). This item would also authorize the County Administrator to take any other actions and execute any other documents necessary to complete the proposed conversion and the recording of the Notices of Limitation of Use.

**Source of Additional Information**

Annika E. Ashton, Deputy County Attorney, 954-357-7600

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

None.