

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AN INTERLOCAL SERVICE BOUNDARY AGREEMENT WITH THE CITY OF DANIA BEACH AND BROWARD COUNTY FOR THE CONTRACTION OF CERTAIN LANDS LOCATED WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF HOLLYWOOD AND WITHIN THE AREA KNOWN AS THE CITY OF DANIA BEACH OCEAN FRONT PARK, AND THE ANNEXATION OF THE LAND BY THE CITY OF DANIA BEACH.

WHEREAS, Chapter 171, Part II, Florida Statutes, called the "Interlocal Service Boundary Agreement Act", provides counties and municipalities an alternative and more flexible process for adjusting municipal boundaries, including allowing for the deviation from the standard contraction and annexation requirements of Chapter 171, Part I, Florida Statutes; and

WHEREAS, the City of Dania Beach, the City of Hollywood, and Broward County have the legal authority pursuant to the Interlocal Service Boundary Agreement Act, Section 163.01, Florida Statutes, the Florida Interlocal Cooperation Act of 1969, and the applicable provisions of Chapters 125, 163, and 166, Florida Statutes to enter interlocal service boundary agreements with other local government jurisdictions concerning annexation and contraction matters; and

WHEREAS, the City of Dania Beach has requested the City of Hollywood to readjust their respective boundaries to provide that real property be contracted from Hollywood's jurisdictional limits and annexed into Dania Beach's jurisdictional limits; and

WHEREAS, on August 31, 2022 and pursuant to Section 171.203, Florida Statutes, the City Commission adopted a responding Resolution (R-2022-242) to Dania Beach's and Broward County's request to negotiate an Interlocal Service Boundary Agreement ("ISB Agreement") to annex approximately 0.204 acres of land, owned by FDOT within the jurisdictional limits of the City of Hollywood and within Dania Beach's Ocean Front Park, as more particularly described in the attached Exhibit "A" ("subject parcel"); and

WHEREAS, consistent with applicable Florida Statutes, Resolution No. R-2022-242 authorized negotiation of an ISB Agreement, to include:

- (a) The joint use of facilities and colocation of services at no cost to the City;

Coding: Words in ~~struck through~~ text are deletions from existing text; underscored words are additions to existing text; shaded text are changes for second reading.

- (b) The creation of an e-vehicle transit hub for charging various types of public transportation vehicles that serve and may be operated by both municipalities and/or other governmental entities, which may include public amenities;
- (c) The City of Dania Beach will honor and permit City of Hollywood Citywide Residential Parking Permits in the garage on weekdays only;
- (d) The parties will work and collaborate with the Hollywood Beach Business and Civic Associations and property owners located proximate to A1A and Cambridge Street on the parking garage design and layout as part of the development review process and prior to the City of Dania Beach applying for building permits; and
- (e) Other financial considerations in favor of the City of Hollywood ; and

WHEREAS, an ISB Agreement may address, among other objectives, any issue concerning service delivery, fiscal responsibilities, or boundary adjustments; and

WHEREAS, the ISB Agreement attached as Exhibit "A" includes, among other objectives, the following revised negotiation points:

- (a) At no cost to the City of Hollywood, the City of Dania Beach will create an e-vehicle transit hub for charging various types of public transportation vehicles that serve and may be operated by both municipalities and/or other governmental entities, which may include public amenities (a joint stop for a micro-transit hub for Hollywood and Dania public transit vehicles).
- (b) The City of Dania Beach will honor and permit City of Hollywood Citywide Residential Parking Permits in the garage on weekdays only, for a five-year period, with three additional five-year extension terms, under the condition that the City of Dania Beach can properly finance all secured bond or loan funding for the proposed parking garage through the revenue obtained from the parking garage use. The parking permit authorization shall exclude the following weekday days: national holidays ~~that land on a weekday~~, and Broward County School Board spring break week.
- (c) The parties will work and collaborate with the Hollywood Beach Business and Civic Associations and property owners located proximate to A1A and Cambridge Street on the parking garage design and layout as a part of the development review process and prior to the City of Dania Beach applying for building permits. ~~;~~ and
- (d) Dania Beach covenants the right of Hollywood Citywide Residential Parking Permit Holders to utilize the new garage (identified at subsection 3 above) for four-five year periods shall commence upon the opening of the garage. All other terms may sunset in 20 years from execution of this Agreement, but the four-five year option periods, consistent with the terms of subsection 3 above shall not sunset until all four-five year periods expire.

- (e) Pursuant to Florida Statute Section 171.203(12), an interlocal service boundary agreement may be for a term of 20 year or less. The Agreement requires renegotiations to begin at least 18 months before its termination date.
- (f) As a result of the Florida Statutes 171.203, the Agreement is for a 20-year term and is subject to discussion and negotiation at least 18 months prior to the end of the term of this Agreement.
- (g) The transfer of jurisdiction will occur within six months of execution of the Agreement, and the conditions contained herein, at paragraphs (1) through (6), may be enforced over the next 20 years; and

WHEREAS, the City Commission finds that this Ordinance is in the best interest of the residents of the City of Hollywood as it obtains no ad valorem taxes from the property, and the City of Dania Beach's intent is to construct additional public parking at no cost to the City of Hollywood on the subject parcel described in the attached Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That pursuant to Section 171.203(1), Florida Statutes, it approves and authorizes the execution, by the appropriate City officials, of the attached Interlocal Service Boundary Agreement for Contraction and Annexation of a Parcel of Land attached as Exhibit "A" ("ISB Agreement").

Section 3: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 4: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

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Section 5: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on _____, 2022³.

PASSED on the first reading this _____ day of _____ 2022.

PASSED AND ADOPTED on second reading this _____ day of _____, 2023.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM:

DOUGLAS R. GONZALES
CITY ATTORNEY