

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, CONSIDERING A CONSENT DECREE SETTLEMENT WITH GREENBRIAR APARTMENT/MOTEL, INC.

WHEREAS, Greenbriar Apartment/Motel, Inc. ("Greenbriar") owns properties located east and west of South Surf Road between Hyacinth Terrace and Greenbriar Terrace ("Greenbriar Property"); and

WHEREAS, Dupont Hollywood Partnership, Inc. ("Dupont") owns the properties located east of South Surf Road between Crocus Terrace and Bougainvillea Terrace ("Casa la Playa Property"); and

WHEREAS, on or about April 10, 2006, Dupont filed a five count complaint against the City and the Hollywood Community Redevelopment Agency ("CRA") asserting among other things that the City's Ordinance No. 2002-20 that limited the height, setback and other controls for property in the RM-25 Zoning District caused a diminution of property value, and as a result, the impacted property owners were required to be compensated in accordance with The Bert J. Harris, Jr. Private Property Rights Protection Act ("Litigation"); and

WHEREAS, on or about January 7, 2007, Greenbriar intervened in the Litigation alleging the same damages; and

WHEREAS, in or around 2012, Dupont entered into a Settlement Agreement with the City and CRA, but Greenbriar did not; and

WHEREAS, in hopes of settling this matter, Greenbriar informally presented a development plan to the City and CRA; and

WHEREAS, in addition, and to avoid future legal action, Greenbriar and other related owners presented to the City and CRA plans to re-develop the Casa La Playa Property; and

WHEREAS, Greenbriar has proposed the attached Consent Decree Settlement for consideration by the City Commission; and

WHEREAS, staff recommends that the City Commission deny the negotiated settlement.

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 Resolution.

Section 2: That the above-described consent decree settlement is approved/denied.

Section 3: That if the consent decree settlement is approved, the appropriate City officials are authorized to take all necessary steps to implement the settlement.

Section 4: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2018.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance
of the City of Hollywood, Florida only:

DOUGLAS R. GONZALES, CITY ATTORNEY