



Broward County Commission Regular Meeting

47.

Meeting Date: 04/16/2019
Director's Name: Mark D. Bogen
Department: County Commission

Information

Requested Action

MOTION TO DIRECT staff to take all appropriate action to place a radio communication tower in West Lake Park in support of the County's implementation of the P25 radio system, unless and until this site is determined not to be viable. (Mayor Bogen)

(Item Numbers 47 and 50 were heard concurrently and voted on separately.)

ACTION: (T-11:50 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9-0. Commissioner Geller voted in the affirmative telephonically.

Why Action is Necessary

Direction by the Board is necessary to take appropriate action.

What Action Accomplishes

Permits public discussion by the Board and provides direction to County administrative and legal staff.

Is this Action Goal Related

Previous Action Taken

Summary Explanation/Background

Since 2016, County staff has been discussing and evaluating locations to meet the needs for two radio communication tower sites in the City of Hollywood. Based upon extensive coverage analysis and in coordination with vendors, consultants, and other industry professionals, specific locations were identified for the communication towers required to be sited and built to support the regional radio system upgrade. One of the Hollywood sites is going through the permitting process; the remaining site, West Lake Park, has been placed on hold by the City of Hollywood in connection with the site application process.

In response to expressed concerns about placement of the tower in West Lake Park, the City of Hollywood proffered as an alternative site the roof of the Circ Residences building in downtown Hollywood.

On January 29, 2019, the Board voted to move forward with a 60-day feasibility study on the Circ building. The results of the study were brought before the board at a County workshop on April 9, 2019. The feasibility study concluded that locating the tower on top of the Circ building would cost substantially more, take longer, and, most importantly, reduce the efficacy (coverage) of the new P25 radio system.

This item would direct County administrative and legal staff to expeditiously take all necessary actions designed to secure West Lake Park as the site of the communications tower.

Source of Additional Information

Fiscal Impact

Fiscal Impact/Cost Summary:
N/A

Attachments

No file(s) attached.



Broward County Commission Regular Meeting

50.

Meeting Date: 04/16/2019
 Director's Name: Andrew J. Meyers
 Department: County Attorney

Information

Requested Action

MOTION TO ADOPT Resolution No. 2019-245 the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, DIRECTING THE COUNTY ADMINISTRATOR TO PUBLISH NOTICE OF PUBLIC HEARING TO BE HELD ON TUESDAY, MAY 7, 2019, AT 10:00 A.M. IN ROOM 422 OF THE BROWARD COUNTY GOVERNMENTAL CENTER, 115 SOUTH ANDREWS AVENUE, FORT LAUDERDALE, FLORIDA, TO CONSIDER A RESOLUTION APPROVING A MODIFICATION OF THAT CERTAIN DECLARATION OF RESTRICTIVE COVENANTS FOR WEST LAKE REGIONAL PARK; DIRECTING THE PARKS AND RECREATION DIVISION TO POST SIGNAGE AT WEST LAKE REGIONAL PARK IN ACCORDANCE WITH THE DECLARATION OF RESTRICTIVE COVENANTS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

(Per the Tuesday Morning Memorandum, this item should be listed under the header of "Set for Public Hearing." In addition, the Board's consideration of this item will be based on the revised Resolution and exhibits distributed as Additional Material 50(2) by the Office of the County Attorney.)

(Item Numbers 47 and 50 were heard concurrently and voted on separately.)

ACTION: (T-12:12 PM) Approved as amended with Yellow-Sheeted Additional Material, 50(2) dated April 16, 2019, submitted at the request of the Office of the County Attorney. (Refer to minutes for full discussion.) (See Yellow-Sheeted Additional Material, dated April 16, 2019, submitted at the request of County Administration.)

VOTE: 9-0. Commissioner Geller voted in the affirmative telephonically.

Why Action is Necessary

Formal Board approval is necessary for the adoption of a Resolution.

What Action Accomplishes

Enables the adoption of the above Resolution.

Is this Action Goal Related

Previous Action Taken

Summary Explanation/Background

On April 9, 2019, the Board of County Commissioners held a workshop to discuss a feasibility study regarding the potential placement of a radio communication tower and related communication equipment for the new Project 25 Public Safety Radio System ("P25 System") on the roof of the Circ Hotel and Residences (the "Circ"). The feasibility study concluded that locating the tower on top of the Circ would cost substantially more, take longer, and, most importantly, reduce the efficacy (coverage) of the new P25 System.

The County has identified two viable sites for placement of the required equipment. The first, on the site of the City of Hollywood wastewater treatment plant, is owned by the City of Hollywood and the City of Hollywood has objected to such placement. The second is a parcel within West Lake Regional Park ("Park").

The use of the Park is currently restricted by that certain Declaration of Restrictive Covenants, recorded July 18, 2007, as Instrument Number 107227098 in the Official Records of Broward County, Florida ("Declaration"). The Declaration requires modification to permit the County to use a portion of the Park, as more particularly described in the attached Resolution ("Parcel"), for the P25 System.

This item would direct the County Administrator to publish notice of a public hearing to consider a resolution approving the modification of the Declaration to release and remove the restrictions imposed by the Declaration on the Parcel, thereby permitting the Parcel to be used for the P25 System, and would further direct the Parks and Recreation Division to post signage at the Parcel in

accordance with the Declaration.

Please note that the legal description for the subject parcel is being refined and will be distributed under separate cover as additional material.

Source of Additional Information

Irma Qureshi, Assistant County Attorney, (954) 357-7600

Fiscal Impact

Fiscal Impact/Cost Summary:

None.

Attachments

[Exhibit 1 - Copy of Resolution to Publish Notice of Public Hearing Approving a Modification of the Declaration of Restrictive Covenants for West Lake Regional Park](#)

[Exhibit 2 - Notice of Public Hearing and Intent to Consider a Resolution Approving Modification of the Declaration of Restrictive Covenants for West Lake Regional Park](#)

[Additional Material - Information](#)

[Additional Material - Information](#)

PROPOSED

RESOLUTION NO. 2019-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, DIRECTING THE COUNTY ADMINISTRATOR TO PUBLISH NOTICE OF PUBLIC HEARING TO BE HELD ON TUESDAY, MAY 7, 2019, AT 10:00 A.M. IN ROOM 422 OF BROWARD COUNTY GOVERNMENTAL CENTER, 115 SOUTH ANDREWS AVENUE, FORT LAUDERDALE, FLORIDA, TO CONSIDER A RESOLUTION APPROVING A MODIFICATION OF THAT CERTAIN DECLARATION OF RESTRICTIVE COVENANTS FOR WEST LAKE REGIONAL PARK; DIRECTING THE PARKS AND RECREATION DIVISION TO POST SIGNAGE AT WEST LAKE REGIONAL PARK IN ACCORDANCE WITH THE DECLARATION OF RESTRICTIVE COVENANTS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Broward County ("County") owns certain real property located at 1200 Sheridan Street, Hollywood, Florida 33019, identified as folio numbers 5142-11-00-0010, 5142-11-00-0020, and 5142-11-00-0080, and known as West Lake Regional Park ("County Property");

WHEREAS, the use of the County Property is restricted by that certain Declaration of Restrictive Covenants, recorded July 18, 2007, as Instrument Number 107227098 in the Official Records of Broward County, Florida ("Declaration");

WHEREAS, in order to protect the health, safety, and welfare of County residents and visitors, and after careful consideration of other sites proffered as being potentially viable, the County seeks to use a portion of the County Property, as more particularly described in the sketch and legal description attached to and made a part of this Resolution as Attachment 1 ("Parcel"), in order to place a radio communication tower and

1 related communication equipment for the Project 25 Public Safety Radio System (the
2 “P25 System”);

3
4 WHEREAS, the Declaration requires modification to release and remove the
5 restrictions imposed by the Declaration on the Parcel, thereby permitting the Parcel to be
6 used for the P25 System;

7
8 WHEREAS, the Declaration provides that “[n]o modification or termination of this
9 Declaration of Restrictive Covenants shall be permitted unless specifically approved by a
10 four-fifths vote of the entire Board of County Commissioners of Broward County, Florida
11 at a noticed public hearing. Notice of the proposed modification or termination shall be
12 given at least ten (10) days prior to the action by the Commission by publication in a
13 newspaper of general circulation in Broward County. In addition, at least ten (10) days
14 prior to the public hearing, the Parks and Recreation Division, or its successor division or
15 agency, shall post a sign visible from the street upon the property. The sign shall be in
16 accordance with applicable municipal regulations relating to signs and shall provide
17 pertinent information regarding the proposed modification or termination”; and

18
19 WHEREAS, in accordance with the Declaration, the Board of County
20 Commissioners of Broward County, Florida (“Board”), desires to hold a public hearing to
21 consider a resolution approving the proposed modification of the Declaration to release
22 and remove the restrictions imposed by the Declaration on the Parcel in order to permit
23 the County to use the Premises for the P25 System, which modification is more
24

1 particularly described in the release attached to this Resolution as Attachment 2
2 ("Proposed Modification"), NOW, THEREFORE,

3
4 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
5 BROWARD COUNTY, FLORIDA:

6
7 Section 1. The recitals set forth in the preamble to this Resolution are true,
8 accurate, and incorporated by reference herein as though set forth in full hereunder.

9
10 Section 2. The Board hereby authorizes and directs the County Administrator
11 to publish a notice of intent of the Board to consider a resolution approving the Proposed
12 Modification ("Notice") at a public hearing on Tuesday, May 7, 2019, at 10:00 A.M., in
13 Room 422 of the Broward County Governmental Center, 115 South Andrews Avenue,
14 Fort Lauderdale, Florida 33301 ("Public Hearing").

15
16 Section 3. Such Notice shall be in the form of the attached Attachment 3 and
17 shall be made at least ten (10) days prior to the Public Hearing in a newspaper of general
18 circulation in Broward County.

19
20 Section 4. The Board hereby directs the Parks and Recreation Division to post
21 signage at the Premises in accordance with the terms and conditions of the Declaration.

Section 5. Severability.

If any portion of this Resolution is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Resolution. If any court determines that this Resolution, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Resolution to any other individual, group, entity, property, or circumstance.

Section 6. Effective Date.

This Resolution is effective upon adoption.

ADOPTED this ____ day of _____, 2019.

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By /s/ Irma Qureshi 04/11/19
Irma Qureshi (date)
Assistant County Attorney

PROPOSED

By /s/ Maite Azcoitia 04/11/19
Maite Azcoitia (date)
Deputy County Attorney

IQ/mdw
Authorizing Public Hearing for W. Lake Park Reso.doc
04/11/19
Imanage file: 427853

ATTACHMENT 1

LEGAL DESCRIPTION AND SKETCH

**TO BE DISTRIBUTED UNDER SEPARATE COVER AS ADDITIONAL MATERIAL FOR
THE APRIL 16, 2019, COUNTY COMMISSION MEETING.**

ATTACHMENT 2

Return recorded copy to:
Broward County Facilities Management Division
Real Property Section
115 South Andrews Avenue, Room 501
Fort Lauderdale, Florida 33301

This document prepared by
and approved as to form by:
Irma Qureshi
Broward County Attorney's Office
115 South Andrews Avenue, Room 423
Fort Lauderdale, Florida 33301

Folio Numbers:
5142-11-00-0010
5142-11-00-0020
5142-11-00-0080

MODIFICATION OF THE DECLARATION OF RESTRICTIVE COVENANTS TO RELEASE A PORTION OF THE REAL PROPERTY COVERED THEREBY FROM THE STATED RESTRICTIVE COVENANTS

This MODIFICATION OF THE DECLARATION OF RESTRICTIVE COVENANTS TO RELEASE A PORTION OF THE REAL PROPERTY COVERED THEREBY FROM THE STATED RESTRICTIVE COVENANTS ("Release") is made this ____ day of _____, 2019 by BROWARD COUNTY, a political subdivision of the State of Florida, whose address is 115 South Andrews Avenue, Fort Lauderdale, Florida 33301 ("County").

RECITALS

A. The County owns that certain real property located at 1200 Sheridan Street, Hollywood, Florida 33019, identified as folio numbers 5142-11-00-0010, 5142-11-00-0020 and 5142-11-00-0080, and known as West Lake Regional Park ("County Property").

B. On or about December 12, 2006, the Board of County Commissioners of Broward County, Florida (the "Board"), approved that certain Declaration of Restrictive Covenants, recorded July 18, 2007, as Instrument Number 107227098 in the Official Records of Broward County, Florida ("Declaration"), which restricted the permitted uses on the County Property.

C. The County desires to use a portion of the County Property, as more particularly described in **Exhibit A** attached to and made a part of this Release ("Parcel"), to construct and operate an approximately three hundred twenty-five foot (325') tall self-supporting telecommunications tower, antennas, equipment shelter, free-standing generator, fuel tank, and other facilities necessary or useful to improve the public safety radio communication services in the areas serviced by the County ("Project").

D. The Project is not a permitted use under the Declaration affecting the Parcel and, as a result, the Declaration needs to be modified to release and remove the restrictions imposed by the Declaration on the Parcel.

E. The Declaration provides that “[n]o modification or termination of this Declaration of Restrictive Covenants shall be permitted unless specifically approved by a four-fifths vote of the entire Board of County Commissioners of Broward County, Florida at a noticed public hearing. Notice of the proposed modification or termination shall be given at least ten (10) days prior to the action by the Commission by publication in a newspaper of general circulation in Broward County. In addition, at least ten (10) days prior to the public hearing, the Parks and Recreation Division, or its successor division or agency, shall post a sign visible from the street upon the property. The sign shall be in accordance with applicable municipal regulations relating to signs and shall provide pertinent information regarding the proposed modification or termination.”

F. The Board, at a regular Commission meeting held on April 16, 2019, directed (i) the County Administrator to publish notice of the public hearing on May 7, 2019 (“May 7th hearing”), where the Board would consider a resolution approving a modification of the Declaration to release and remove the restrictions imposed by the Declaration on the Parcel; and (ii) the Parks and Recreation Division to post signage in accordance with the Declaration.

G. In accordance with the Declaration, the County Administrator published timely notice of the May 7th public hearing, and the Parks and Recreation Division posted timely and visible signage providing information regarding the May 7th hearing and this Release.

H. At the May 7th hearing, this Release was approved by a four-fifths vote of the entire Board.

RELEASE

1. Recitals. The recitals set forth above are true, accurate, and fully incorporated by reference herein.

2. Partial Release of the Declaration. The County hereby releases and removes all of the restrictions imposed by the Declaration on the Parcel in order to permit the development of the Project on the Parcel. Upon the recording of this Release in the Official Records of Broward County, Florida, the Declaration shall be of no further force or effect on the Parcel.

3. Limitations. This Release is limited to the Parcel described in **Exhibit A**, and the components of and in furtherance of the Project specified in this Release. The County is not waiving the Declaration or any other restriction therein for any other development or area in the County Property, except as expressly referenced herein.

4. Severability. In the event any part of this Release is found to be invalid by a court of competent jurisdiction, that part shall be severed from this Release and the balance of this Release shall remain in full force and effect.

IN WITNESS WHEREOF, this Release is executed by BROWARD COUNTY, through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice-Mayor, authorized to execute same by Board action on the ____ day of _____, 2019.

(Official Seal)

ATTEST:

County Administrator and
ex officio Clerk of the
Board of County Commissioners
of Broward County, Florida

COUNTY

BROWARD COUNTY, by and through its
Board of County Commissioners

By: _____
Mayor

____ day of _____, 2019.

Approved as to form by
Andrew J. Meyers
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By: _____
Irma Qureshi (Date)
Assistant County Attorney

By: _____
Maite Azcoitia (Date)
Deputy County Attorney

EXHIBIT A

LEGAL DESCRIPTION OF PARCEL

**TO BE DISTRIBUTED UNDER SEPARATE COVER AS ADDITIONAL MATERIAL FOR
THE APRIL 16, 2019, COUNTY COMMISSION MEETING.**

ATTACHMENT 3

Notice of Public Hearing and Intent to Consider a Resolution
Approving a Modification of the Declaration of Restrictive Covenants for
West Lake Regional Park

Notice is hereby given by the Board of County Commissioners of Broward County, Florida, that said Board will hold a public hearing at 10:00 A.M. on Tuesday, May 7, 2019, in the Broward County Governmental Center, Room 422, 115 South Andrews Avenue, Fort Lauderdale, Florida 33301, to consider a Resolution approving a modification of the Declaration of Restrictive Covenants, recorded as Instrument Number 107227098 in the Official Records of Broward County, Florida ("Declaration"), to release and remove the restrictions imposed by the Declaration on a portion of West Lake Regional Park located at 1200 Sheridan Street, Hollywood, Florida 33019, which portion consists of approximately 0.1284 acres of land ("Parcel"), in order to permit the construction of an approximately three hundred twenty-five foot (325') tall self-supporting telecommunications tower, antennas, equipment shelter, free-standing generator, fuel tank, and other facilities necessary or useful to improve the public safety radio communication services in the areas serviced by the County. The full legal description of the Parcel is available for inspection at the Broward County Governmental Center, Real Property Section, 115 South Andrews Avenue, Room 501, Fort Lauderdale, Florida 33301. If due to a disability, you require auxiliary aids, accommodations, or alternative formats of materials to participate in a public hearing or meeting, contact Real Property Section at (954) 357-5535, or the Broward County Call Center TDD Line at (954) 370-3745. Please make any accommodation requests at least three days in advance of the public hearing.

Dated this _____ day of _____ 2019.

Mailing Instructions:

- A. Publish one (1) time: April 25, 2019
- B. Send two (2) proofs of publication to each of the following two (2) offices:

Gigi Barrasso
Real Property Section
115 S. Andrews Avenue, Room 501
Fort Lauderdale, Florida 33301

AND

Irma Qureshi
Office of the County Attorney
115 S. Andrews Avenue, Room 423
Fort Lauderdale, Florida 33301

- C. Send one (1) proof of publication and invoice to:

Board of County Commissioners
Accounting Division, Room 201
Governmental Center
115 S. Andrews Avenue
Fort Lauderdale, FL 33301

Notice of Public Hearing and Intent to Consider a Resolution
Approving a Modification of the Declaration of Restrictive Covenants for
West Lake Regional Park

Notice is hereby given by the Board of County Commissioners of Broward County, Florida, that said Board will hold a public hearing at 10:00 A.M. on Tuesday, May 7, 2019, in the Broward County Governmental Center, Room 422, 115 South Andrews Avenue, Fort Lauderdale, Florida 33301, to consider a Resolution approving a modification of the Declaration of Restrictive Covenants, recorded as Instrument Number 107227098 in the Official Records of Broward County, Florida ("Declaration"), to release and remove the restrictions imposed by the Declaration on a portion of West Lake Regional Park located at 1200 Sheridan Street, Hollywood, Florida 33019, which portion consists of approximately 0.1284 acres of land ("Parcel"), in order to permit the construction of an approximately three hundred twenty-five foot (325') tall self-supporting telecommunications tower, antennas, equipment shelter, free-standing generator, fuel tank, and other facilities necessary or useful to improve the public safety radio communication services in the areas serviced by the County. The full legal description of the Parcel is available for inspection at the Broward County Governmental Center, Real Property Section, 115 South Andrews Avenue, Room 501, Fort Lauderdale, Florida 33301. If due to a disability, you require auxiliary aids, accommodations, or alternative formats of materials to participate in a public hearing or meeting, contact Real Property Section at (954) 357-5535, or the Broward County Call Center TDD Line at (954) 370-3745. Please make any accommodation requests at least three days in advance of the public hearing.

Dated this _____ day of _____ 2019.

Mailing Instructions:

- A. Publish one (1) time: April 25, 2019
- B. Send two (2) proofs of publication to each of the following two (2) offices:

Gigi Barrasso
Real Property Section
115 S. Andrews Avenue, Room 501
Fort Lauderdale, Florida 33301

AND

Irma Qureshi
Office of the County Attorney
115 S. Andrews Avenue, Room 423
Fort Lauderdale, Florida 33301

- C. Send one (1) proof of publication and invoice to:

Board of County Commissioners
Accounting Division, Room 201
Governmental Center
115 S. Andrews Avenue
Fort Lauderdale, FL 33301

ITEM #50

ADDITIONAL MATERIAL

Regular Meeting

APRIL 16, 2019

SUBMITTED AT THE REQUEST OF

COUNTY ADMINISTRATION



BERTHA W. HENRY, County Administrator

115 S. Andrews Avenue, Room 409 • Fort Lauderdale, Florida 33301 • 954-357-7362 • FAX 954-357-7360

April 15, 2019

TO: Bertha Henry, County Administrator

FROM: Tracy Jackson, Director, Regional Emergency Services and Communications 

Subject: Questions from Commissioner Geller on Radio Tower in West Lake Park

Please find responses to the questions that were submitted by Commissioner Geller on a potential public safety radio tower in West Lake Park. Additionally, there are 3 attached maps: (1) shows the park as it sits today; (2) with sea level rise projections of 1 ft and (3) with sea level rise projections of 2 ft. When using the map please note the following: Areas that are hydrologically connected to the ocean are shown in shades of blue (darker blue = greater depth). Low lying areas that are hydrologically **unconnected**, (but may flood), are displayed in green.

Question: What is the height of the tower and its effect on sea level rise?

Response: *The tower is 300' above ground level. The tower foundation is designed to withstand submersion. Currently, the tower foundation is 1' above ground level, which is standard. The site sits at an elevation of 2' above sea level, and it will be many years before any sea level rise projections reach this elevation. Even so, the tower foundation can be raised higher, and the tower legs can be easily encased in concrete at a later date to limit prolonged exposure to salt water.*

Temporary exposure of the tower steel to salt water due to flooding or storm surge is standard for towers that sit near the coast line. After any major storm inspection of the tower is required. In the event any corrosion is detected there are many options for mitigating the effects, including treating or replacing rusted areas.

Question: What is the height of the equipment building and its effect on sea level rise?

Response: *The shelter and generator are elevated to 6' above ground level on a chain wall platform, raising the total elevation to 9' above sea level. A chain wall is a form of raised foundation that help evaluate buildings above flood level.*

Question: What is the length of Battery Power?

Response: *The battery power is designed to run 8 hours, and the generator fuel tank is sized to run for 72 hours at full load before refueling is required. The power consumption does not typically run at full load, so actual run times can be expected to be longer.*

Question: Can we get to the building if the park floods and how?

Response: Yes. Depending on the access constraints this could potentially be done by high-water trucks, boat or airboat depending on the level of flooding. Since these are critical priority sites for public safety communications, the County utilizes various methods and means to get to sites expeditiously.

cc: Alphonso Jefferson, Jr., Assistant County Administrator

Area for Tower Site in West Lake Park

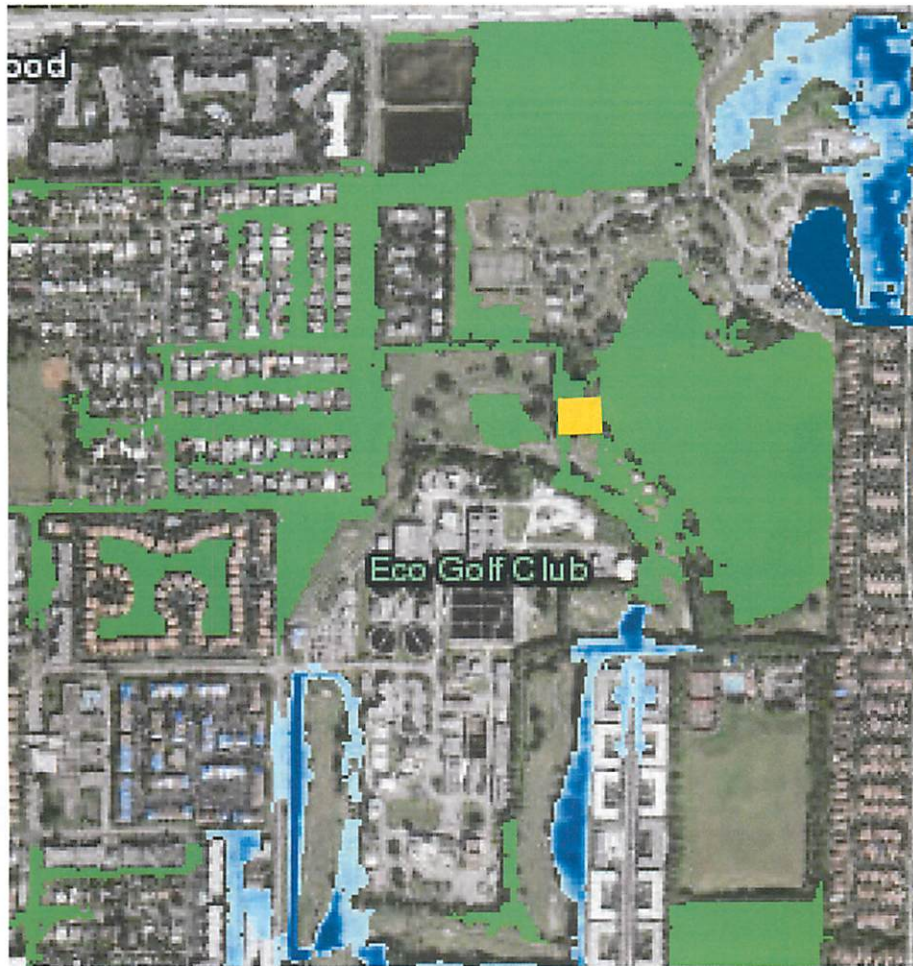


Sea Level Rise at 1 ft



Source: <https://coast.noaa.gov/slr/#/layer/slr/1/-8919312.620426248/3003206.0640103104/15/satellite/none/0.8/2050/interHigh/midAccretion>

Sea Level Rise at 2 ft



Source: <https://coast.noaa.gov/slr/#/layer/slr/1/-8919312.620426248/3003206.0640103104/15/satellite/none/0.8/2050/interHigh/midAccretion>

ITEM #50₍₂₎

ADDITIONAL MATERIAL

Regular Meeting

APRIL 16, 2019

SUBMITTED AT THE REQUEST OF

OFFICE OF THE COUNTY ATTORNEY



954-357-7600 · FAX 954-357-7641

MEMORANDUM

TO: Board of County Commissioners

FROM: Andrew J. Meyers, County Attorney *ajm*

DATE: April 15, 2019

RE: **Agenda Item No. 50 for the April 16, 2019, County Commission Meeting**

As was noted in the agenda item, we have been working to develop an accurate legal description of the parcel within West Lake Park that is anticipated to house the communications tower (the "Parcel"). We will be distributing as additional material (once finalized) amendments to both exhibits that were attached to the agenda item. The only material changes to the exhibits are to add the legal description and sketch of the Parcel and to identify on the sketch the access road that will be required to permit access to the Parcel (the "Access Road").

Staff within the County's Real Property Section will be arranging an additional survey to enable the development of the legal description of the Access Road. The legal description of the Access Road will be included in the published public notice of the May 7 public hearing during which the Board will consider removal of the applicable restrictive covenant, which removal is required to allow the communications tower to be constructed within West Lake Park.

Please feel free to contact Assistant County Attorney Irma Qureshi (ext. 7115) or me with any questions or concerns regarding this matter.

c: Bertha Henry, County Administrator
Bob Melton, County Auditor
Irma Qureshi, Assistant County Attorney

PROPOSED

RESOLUTION NO. 2019-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, DIRECTING THE COUNTY ADMINISTRATOR TO PUBLISH NOTICE OF PUBLIC HEARING TO BE HELD ON TUESDAY, MAY 7, 2019, AT 10:00 A.M. IN ROOM 422 OF BROWARD COUNTY GOVERNMENTAL CENTER, 115 SOUTH ANDREWS AVENUE, FORT LAUDERDALE, FLORIDA, TO CONSIDER A RESOLUTION APPROVING A MODIFICATION OF THAT CERTAIN DECLARATION OF RESTRICTIVE COVENANTS FOR WEST LAKE REGIONAL PARK; DIRECTING THE PARKS AND RECREATION DIVISION TO POST SIGNAGE AT WEST LAKE REGIONAL PARK IN ACCORDANCE WITH THE DECLARATION OF RESTRICTIVE COVENANTS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Broward County ("County") owns certain real property located at 1200 Sheridan Street, Hollywood, Florida 33019, identified as folio numbers 5142-11-00-0010, 5142-11-00-0020, and 5142-11-00-0080, and known as West Lake Regional Park ("County Property");

WHEREAS, the use of the County Property is restricted by that certain Declaration of Restrictive Covenants, recorded July 18, 2007, as Instrument Number 107227098 in the Official Records of Broward County, Florida ("Declaration");

WHEREAS, in order to protect the health, safety, and welfare of County residents and visitors, and after careful consideration of other sites proffered as being potentially viable, the County seeks to use (i) a portion of the County Property, as more particularly described in the sketch and legal description attached to and made a part of this Resolution as Attachment 1 ("Parcel"), in order to place a radio communication tower and

1 related communication equipment for the Project 25 Public Safety Radio System (the
2 “P25 System”); and (ii) a certain road on the County Property, as identified in
3 Attachment 1, that provides vehicular access to the Parcel and is reasonably necessary
4 to permit the County to have the right of ingress, egress, and access to and from the
5 Parcel for the P25 System (“Access Road”);

6
7 WHEREAS, the Declaration requires modification to release and remove the
8 restrictions imposed by the Declaration on the Parcel and the Access Road (collectively,
9 the “Premises”), thereby permitting the Premises to be used for the P25 System;

10
11 WHEREAS, the Declaration provides that “[n]o modification or termination of this
12 Declaration of Restrictive Covenants shall be permitted unless specifically approved by a
13 four-fifths vote of the entire Board of County Commissioners of Broward County, Florida
14 at a noticed public hearing. Notice of the proposed modification or termination shall be
15 given at least ten (10) days prior to the action by the Commission by publication in a
16 newspaper of general circulation in Broward County. In addition, at least ten (10) days
17 prior to the public hearing, the Parks and Recreation Division, or its successor division or
18 agency, shall post a sign visible from the street upon the property. The sign shall be in
19 accordance with applicable municipal regulations relating to signs and shall provide
20 pertinent information regarding the proposed modification or termination”; and

21
22 WHEREAS, in accordance with the Declaration, the Board of County
23 Commissioners of Broward County, Florida (“Board”), desires to hold a public hearing to
24 consider a resolution approving the proposed modification of the Declaration to release

1 and remove the restrictions imposed by the Declaration on the Premises in order to permit
2 the County to use the Premises for the P25 System, which modification is more
3 particularly described in the release attached to this Resolution as Attachment 2
4 ("Proposed Modification"), NOW, THEREFORE,

5
6 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
7 BROWARD COUNTY, FLORIDA:

8
9 Section 1. The recitals set forth in the preamble to this Resolution are true,
10 accurate, and incorporated by reference herein as though set forth in full hereunder.

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12 Section 2. The Board hereby authorizes and directs the County Administrator
13 to publish a notice of intent of the Board to consider a resolution approving the Proposed
14 Modification ("Notice") at a public hearing on Tuesday, May 7, 2019, at 10:00 A.M., in
15 Room 422 of the Broward County Governmental Center, 115 South Andrews Avenue,
16 Fort Lauderdale, Florida 33301 ("Public Hearing").

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18 Section 3. Such Notice shall be in the form of the attached Attachment 3 and
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20 circulation in Broward County.

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22 Section 4. The Board hereby directs the Parks and Recreation Division to post
23 signage at the Premises in accordance with the terms and conditions of the Declaration.

Section 5. Severability.

If any portion of this Resolution is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Resolution. If any court determines that this Resolution, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Resolution to any other individual, group, entity, property, or circumstance.

Section 6. Effective Date.

This Resolution is effective upon adoption.

ADOPTED this ____ day of _____, 2019.

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By /s/ Irma Qureshi 04/15/19
Irma Qureshi (date)
Assistant County Attorney

PROPOSED

By /s/ Maite Azcoitia 04/15/19
Maite Azcoitia (date)
Deputy County Attorney

IQ/mdw
Authorizing Public Hearing for W. Lake Park Reso.doc
04/15/19
Imanage file: 427853

ATTACHMENT 1

**LEGAL DESCRIPTION AND SKETCH OF PARCEL
AND
IDENTIFICATION OF ACCESS ROAD**

Map of ALTA / NSPS Land Title Survey
of
West Lake Park - Tower Site
Section 11, Township 51 South, Range 42 East
Broward County, Florida

LOCATION MAP

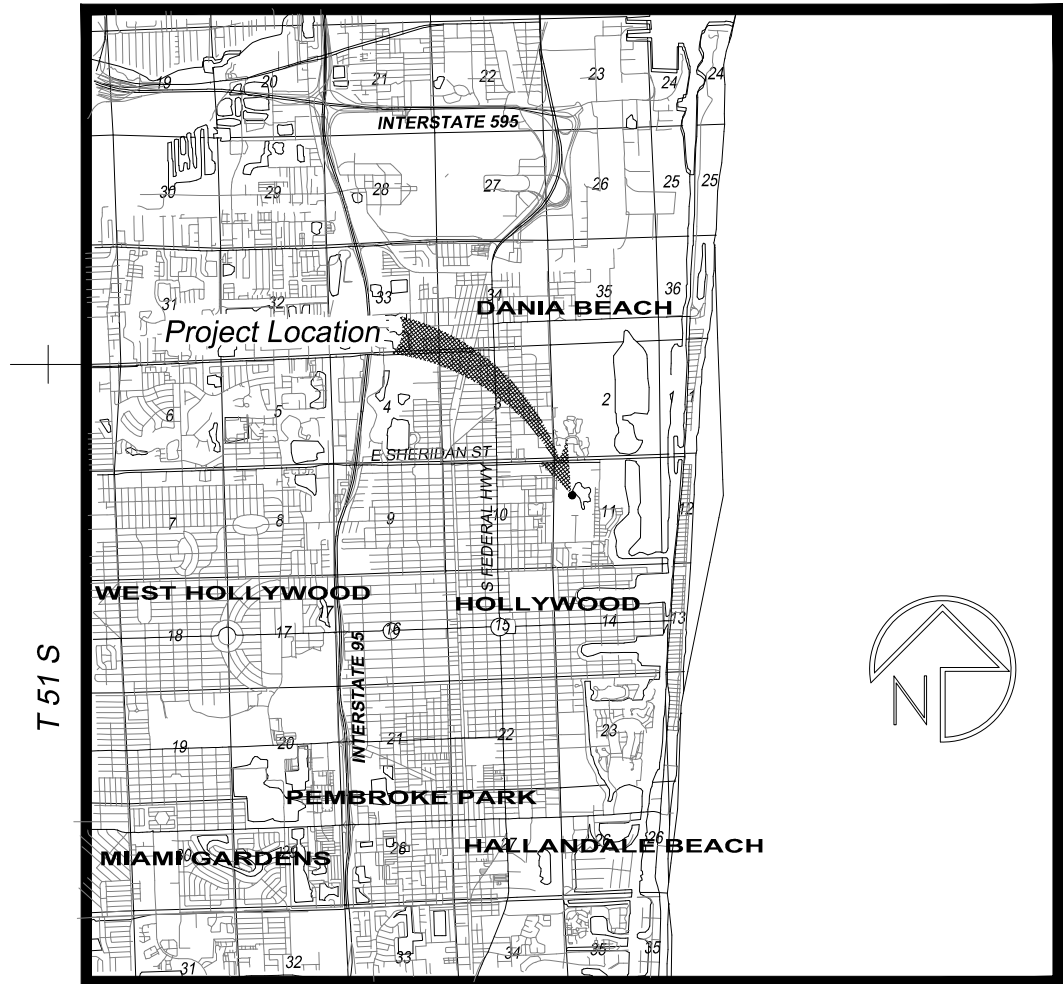
NOT TO SCALE

SURVEYOR'S NOTES

1. This map of survey is not valid without the signature and the original raised seal of the signing Florida licensed surveyor and mapper.
2. The description shown hereon was prepared by this firm at the client's request. This map of survey identifies the boundary of the parcel, features within the survey limits shown hereon, as specified by the client.
3. Bearings, coordinates and elevations shown hereon are relative to the Florida State Plane Coordinate System, East Zone (0901), North American Datum of 1983, 2011 adjustment and; the North American Vertical Datum of 1988 (NAVD 88) based on Global Positioning System (GPS) measurements to National Geodetic Survey (NGS) Continuously Operating Reference Stations (CORS) network.
4. Dimensions shown hereon contain horizontal grid distances and are based upon field measurements utilizing the United States Survey Foot, unless indicated otherwise.
5. The field data acquisition phase of this survey was completed on July 19, 2017, as documented in AmecFW (now Wood Environment & Infrastructure Solutions, Inc.) field book 1313, Pages 42-46. Updates have been completed as identified below.
6. This survey does not address the identification or location of jurisdictional wetlands or sovereign lands that may or may not lie within or adjacent to the lands surveyed.
7. According to Federal Emergency Management Agency Flood Insurance Rate Map, Broward County Florida, Map Number 12011 C 0569 H; Effective date: August 18, 2014, the property described hereon is located in Zone AE (EL5) Special Flood Hazard area subject to inundation by the 1% annual chance flood (Base Flood Elevations determined).
8. Lands shown hereon were not abstracted by this firm for matters of record, such as easements, right of way, ownership or other instruments of record. Non-surveyed lines, references to ownership, parcel identification numbers, and instruments of record shown hereon are based upon information provided by the Broward County Property Appraiser's Office.

(continue on page 2)

| Legend | | |
|---------|---|--|
| R XX E | = | Range XX East |
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| T XX S | = | Township XX South |
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| ① | = | Ownership and Encumbrance Report Item Number |
| — | = | Not to Scale |



Description

A PORTION OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 11, TOWNSHIP 51 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 11; THENCE NORTH 88°06'10" EAST ALONG THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 11, A DISTANCE OF 830.59 FEET; THENCE NORTH 01°13'56" EAST, A DISTANCE OF 971.19 FEET TO THE NORTH LINE OF THE SOUTH 304.63 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 11; THENCE NORTH 88°00'05" EAST ALONG SAID LINE, FOR A DISTANCE OF 74.95 FEET TO THE POINT OF BEGINNING; THENCE NORTH 23°54'58" EAST, A DISTANCE OF 85.96 FEET; THENCE SOUTH 66°06'36" EAST, A DISTANCE OF 80.18 FEET; THENCE SOUTH 24°00'05" WEST, A DISTANCE OF 90.17 FEET TO THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 23507, PAGE 0417; THENCE NORTH 47°39'51" WEST ALONG SAID LINE, FOR A DISTANCE OF 55.42 FEET; THENCE SOUTH 88°00'05" WEST, A DISTANCE OF 30.53 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA; CONTAINING 6,464 SQUARE FEET OF 0.148 ACRES MORE OR LESS.

Certification:

To MOTOROLA:
This is to certify that this map and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 7(a), 8 and 13 of Table A thereof. The field work was completed on June 13, 2017.

For the Company,
Wood Environment & Infrastructure Solutions, Inc.

CHARLES B. GARDINER
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NO. LS 5046

Section 11, Township 51 South, Range 42 East, Broward County, Florida

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| 2 | 07/19/2018 | Revised proposed shelter and fence location |
| 3 | 08/02/2018 | Updated to meet ALTA / NSPS requirements, added sheets 2 and 3 |
| 4 | 04/12/2019 | Added folio number |
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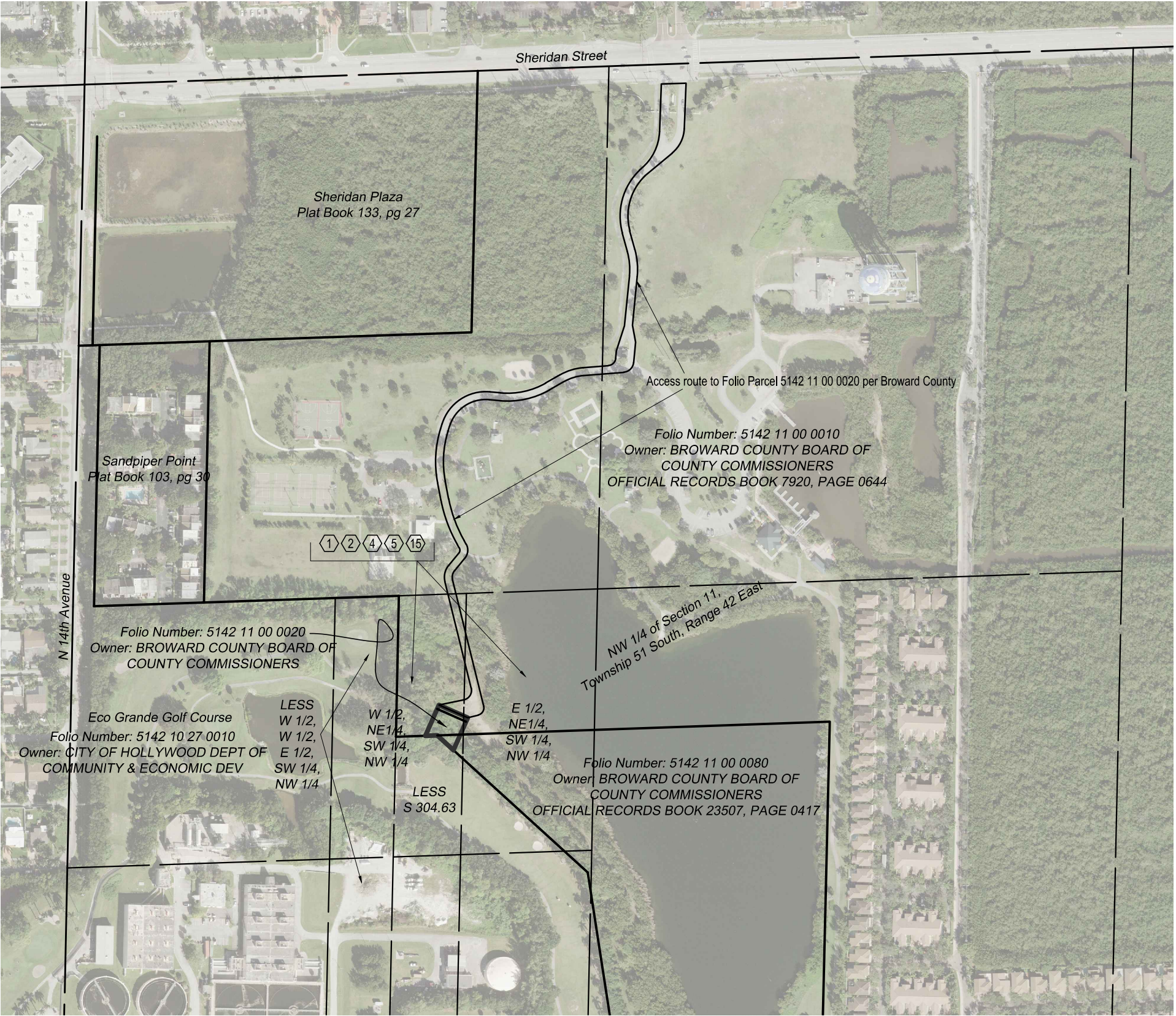
Wood Environment & Infrastructure Solutions, Inc.
550 Northlake Blvd., Suite 1000
Altamonte Springs, FL 32701 USA
Phone: (407) 522-7570
Fax: (407) 522-7576
Certificate of Authorization Number LB-0007932

CLIENT:
MOTOROLA SOLUTIONS
8000 WEST SUNRISE BLVD.
PLANTATION, FLORIDA 33322
PHONE: (954) 723-5000

BROWARD COUNTY - WEST LAKE PARK
1200 SHERIDAN STREET
HOLLYWOOD, FL 33019

AMEC PROJECT NO: 6166170575.240
DRAWN BY: M. RAMOS
APPROVED BY:
CHECKED BY: C.B. GARDINER
DATE: 01/18/2017

Map of ALTA / NSPS Land Title
and
Topographic Survey



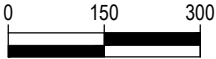
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SURVEYOR'S NOTES

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GRAPHIC SCALE



(IN FEET)

1 inch = 300 feet

NORTH

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| 5 | 04/15/2019 | removed "lease" statement, added access per Broward County |
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Wood Environment & Infrastructure Solutions, Inc.

wood.

Certificate of Authorization Number LB-0007932

550 Northlake Blvd., Suite 1000
Altamonte Springs, FL 32701 USA
Phone: (407) 522-7570
Fax: (407) 522-7576

CLIENT:



MOTOROLA SOLUTIONS

8000 WEST SUNRISE BLVD.
PLANTATION, FLORIDA 33322

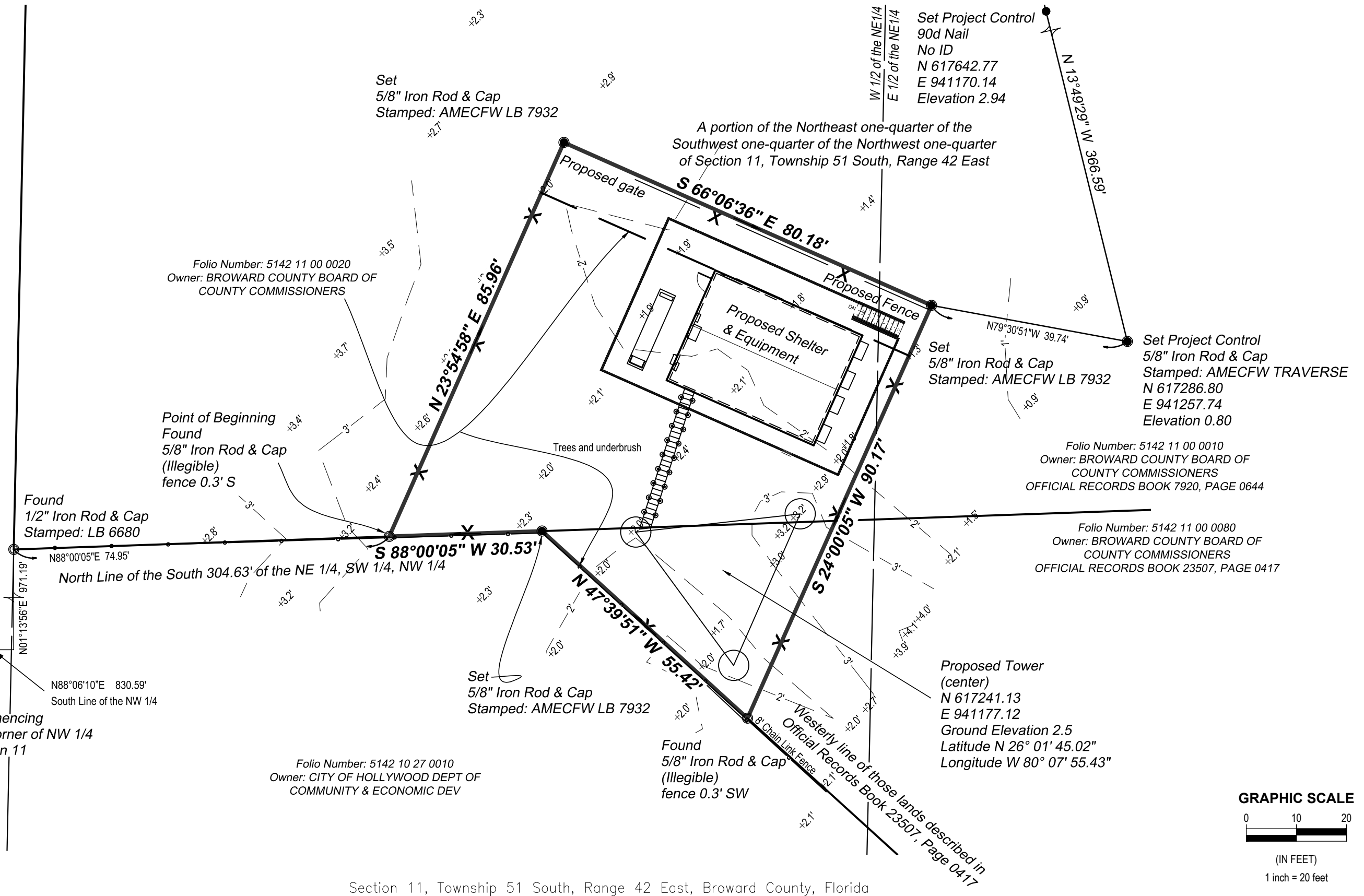
PHONE: (954) 723-5000

BROWARD COUNTY - WEST LAKE PARK
1200 SHERIDAN STREET
HOLLYWOOD, FL 33019

| | |
|--------------------|---------------------------|
| AMEC PROJECT NO: | 6166170575.240 |
| DRAWN BY: M. RAMOS | CHECKED BY: C.B. GARDINER |
| APPROVED BY: | DATE: 01/18/2017 |

**Map of ALTA / NSPS Land Title
and
Topographic Survey**

P:\0374\2017\6166170575.240 - MOTOROLA BROWARD CO. A&E\WEST LAKE PARK\00 CIVIL 3D\2016\11\WEST_LAKE_PARK-ALTA.DWG



| NO. | DATE | REVISION |
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AMEC PROJECT NO: 6166170575.240
DRAWN BY: M. RAMOS
APPROVED BY:
CHECKED BY: C.B. GARDINER
DATE: 01/18/2017

Map of ALTA / NSPS Land Title
and
Topographic Survey

ATTACHMENT 2

Return recorded copy to:
Broward County Facilities Management Division
Real Property Section
115 South Andrews Avenue, Room 501
Fort Lauderdale, Florida 33301

This document prepared by
and approved as to form by:
Irma Qureshi
Broward County Attorney's Office
115 South Andrews Avenue, Room 423
Fort Lauderdale, Florida 33301

Folio Numbers:
5142-11-00-0010
5142-11-00-0020
5142-11-00-0080

MODIFICATION OF THE DECLARATION OF RESTRICTIVE COVENANTS TO RELEASE A PORTION OF THE REAL PROPERTY COVERED THEREBY FROM THE STATED RESTRICTIVE COVENANTS

This MODIFICATION OF THE DECLARATION OF RESTRICTIVE COVENANTS TO RELEASE A PORTION OF THE REAL PROPERTY COVERED THEREBY FROM THE STATED RESTRICTIVE COVENANTS ("Release") is made this ____ day of _____, 2019 by BROWARD COUNTY, a political subdivision of the State of Florida, whose address is 115 South Andrews Avenue, Fort Lauderdale, Florida 33301 ("County").

RECITALS

A. The County owns that certain real property located at 1200 Sheridan Street, Hollywood, Florida 33019, identified as folio numbers 5142-11-00-0010, 5142-11-00-0020 and 5142-11-00-0080, and known as West Lake Regional Park ("County Property").

B. On or about December 12, 2006, the Board of County Commissioners of Broward County, Florida (the "Board"), approved that certain Declaration of Restrictive Covenants, recorded July 18, 2007, as Instrument Number 107227098 in the Official Records of Broward County, Florida ("Declaration"), which restricted the permitted uses on the County Property.

C. The County desires to use (i) a portion of the County Property, as more particularly described in **Exhibit A** attached to and made a part of this Release ("Parcel"), to construct and operate an approximately three hundred twenty-five foot (325') tall self-supporting telecommunications tower, antennas, equipment shelter, free-standing generator, fuel tank, and other facilities necessary or useful to improve the public safety radio communication services in the areas serviced by the County ("Project"); and (ii) a certain road on the County Property, as identified in **Exhibit A**, that provides vehicular access to the Parcel and is reasonably necessary to permit the County to access the Parcel for the construction and maintenance of the Project ("Access Road").

D. The Project is not a permitted use under the Declaration affecting the Parcel and the Access Road and, as a result, the Declaration needs to be modified to release and

remove the restrictions imposed by the Declaration on the Parcel and the Access Road.

E. The Declaration provides that “[n]o modification or termination of this Declaration of Restrictive Covenants shall be permitted unless specifically approved by a four-fifths vote of the entire Board of County Commissioners of Broward County, Florida at a noticed public hearing. Notice of the proposed modification or termination shall be given at least ten (10) days prior to the action by the Commission by publication in a newspaper of general circulation in Broward County. In addition, at least ten (10) days prior to the public hearing, the Parks and Recreation Division, or its successor division or agency, shall post a sign visible from the street upon the property. The sign shall be in accordance with applicable municipal regulations relating to signs and shall provide pertinent information regarding the proposed modification or termination.”

F. The Board, at a regular Commission meeting held on April 16, 2019, directed (i) the County Administrator to publish notice of the public hearing on May 7, 2019 (“May 7th hearing”), where the Board would consider a resolution approving a modification of the Declaration to release and remove the restrictions imposed by the Declaration on the Parcel and the Access Road; and (ii) the Parks and Recreation Division to post signage in accordance with the Declaration.

G. In accordance with the Declaration, the County Administrator published timely notice of the May 7th hearing, and the Parks and Recreation Division posted timely and visible signage providing information regarding the May 7th hearing and this Release.

H. At the May 7th hearing, this Release was approved by a four-fifths vote of the entire Board.

RELEASE

1. Recitals. The recitals set forth above are true, accurate, and fully incorporated by reference herein.

2. Partial Release of the Declaration. The County hereby releases and removes all of the restrictions imposed by the Declaration on (i) the Parcel in order to permit the development of the Project on the Parcel; and (ii) the Access Road only for the purpose of permitting the County to have the right of ingress, egress, and access to and from the Parcel for the construction and maintenance of the Project (“County’s Access”), and the right to improve and repair the Access Road for the facilitation of the County’s Access. Upon the recording of this Release in the Official Records of Broward County, Florida, the Declaration shall be of no further force or effect on the Parcel and the Access Road.

3. Limitations. This Release is limited to the Parcel described in **Exhibit A** and the Access Road identified in **Exhibit A**, and the components of and in furtherance of the Project specified in this Release. The County is not releasing the Declaration or any other restriction therein for any other development or area in the County Property, except as expressly referenced herein.

4. Severability. In the event any part of this Release is found to be invalid by a court of competent jurisdiction, that part shall be severed from this Release and the balance of this Release shall remain in full force and effect.

IN WITNESS WHEREOF, this Release is executed by BROWARD COUNTY, through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice-Mayor, authorized to execute same by Board action on the ____ day of _____, 2019.

(Official Seal)

ATTEST:

County Administrator and
ex officio Clerk of the
Board of County Commissioners
of Broward County, Florida

COUNTY

BROWARD COUNTY, by and through its
Board of County Commissioners

By: _____
Mayor

____ day of _____, 2019.

Approved as to form by
Andrew J. Meyers
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By: _____
Irma Qureshi (Date)
Assistant County Attorney

By: _____
Maite Azcoitia (Date)
Deputy County Attorney

EXHIBIT A

**LEGAL DESCRIPTION AND SKETCH OF PARCEL
AND
IDENTIFICATION OF ACCESS ROAD**

DRAFT

Map of ALTA / NSPS Land Title Survey
of
West Lake Park - Tower Site
Section 11, Township 51 South, Range 42 East
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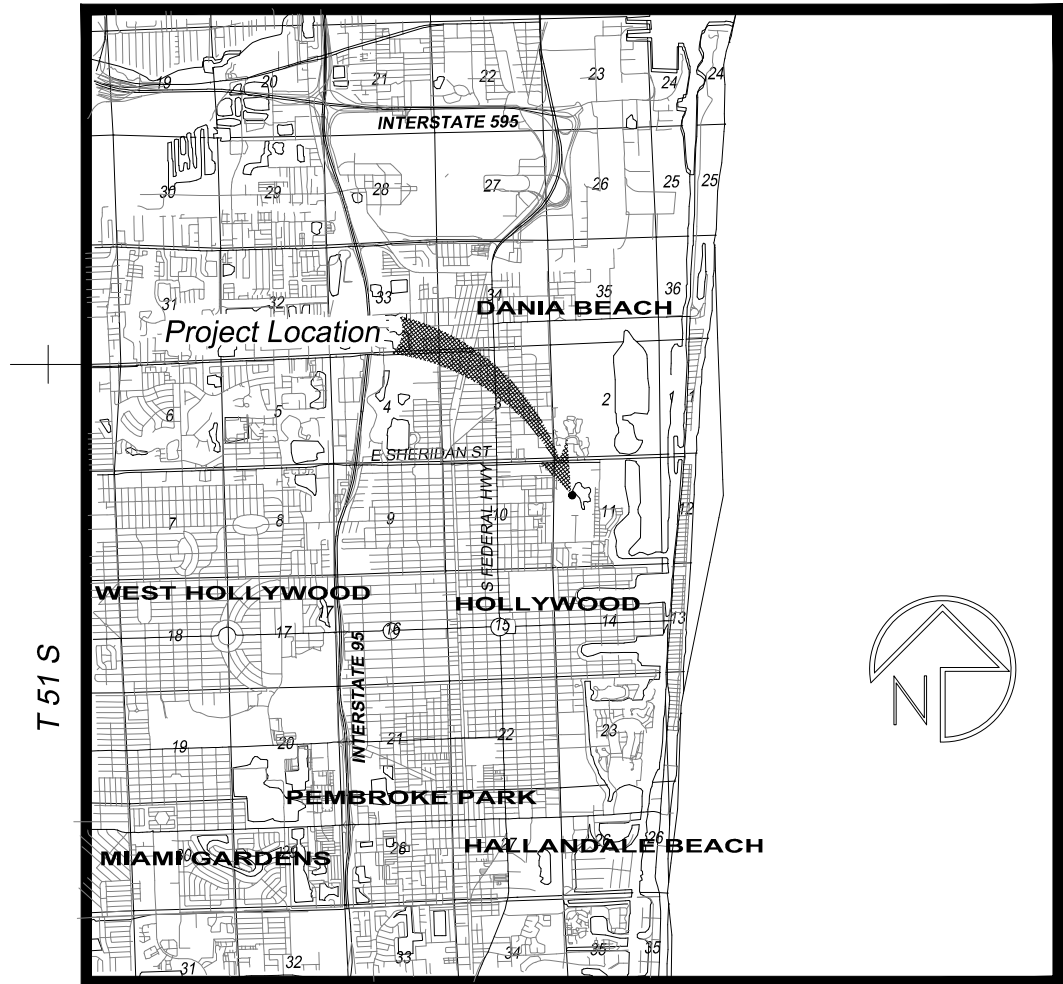
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Description

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FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
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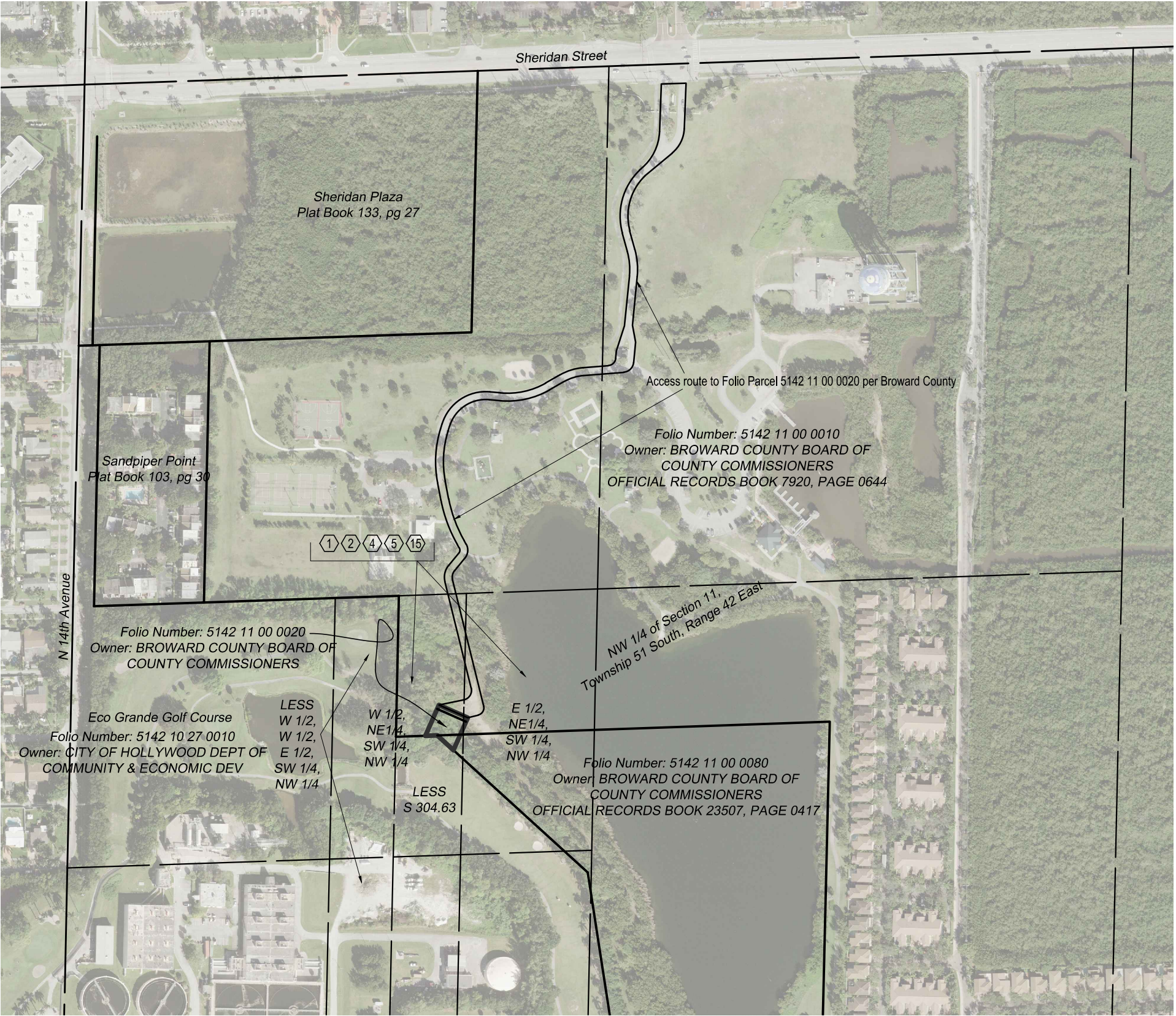
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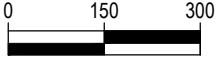
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(IN FEET)

1 inch = 300 feet

NORTH

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Wood Environment & Infrastructure Solutions, Inc.

wood.

Certificate of Authorization Number LB-0007932

550 Northlake Blvd., Suite 1000
Altamonte Springs, FL 32701 USA
Phone: (407) 522-7570
Fax: (407) 522-7576

CLIENT:



MOTOROLA SOLUTIONS

8000 WEST SUNRISE BLVD.
PLANTATION, FLORIDA 33322

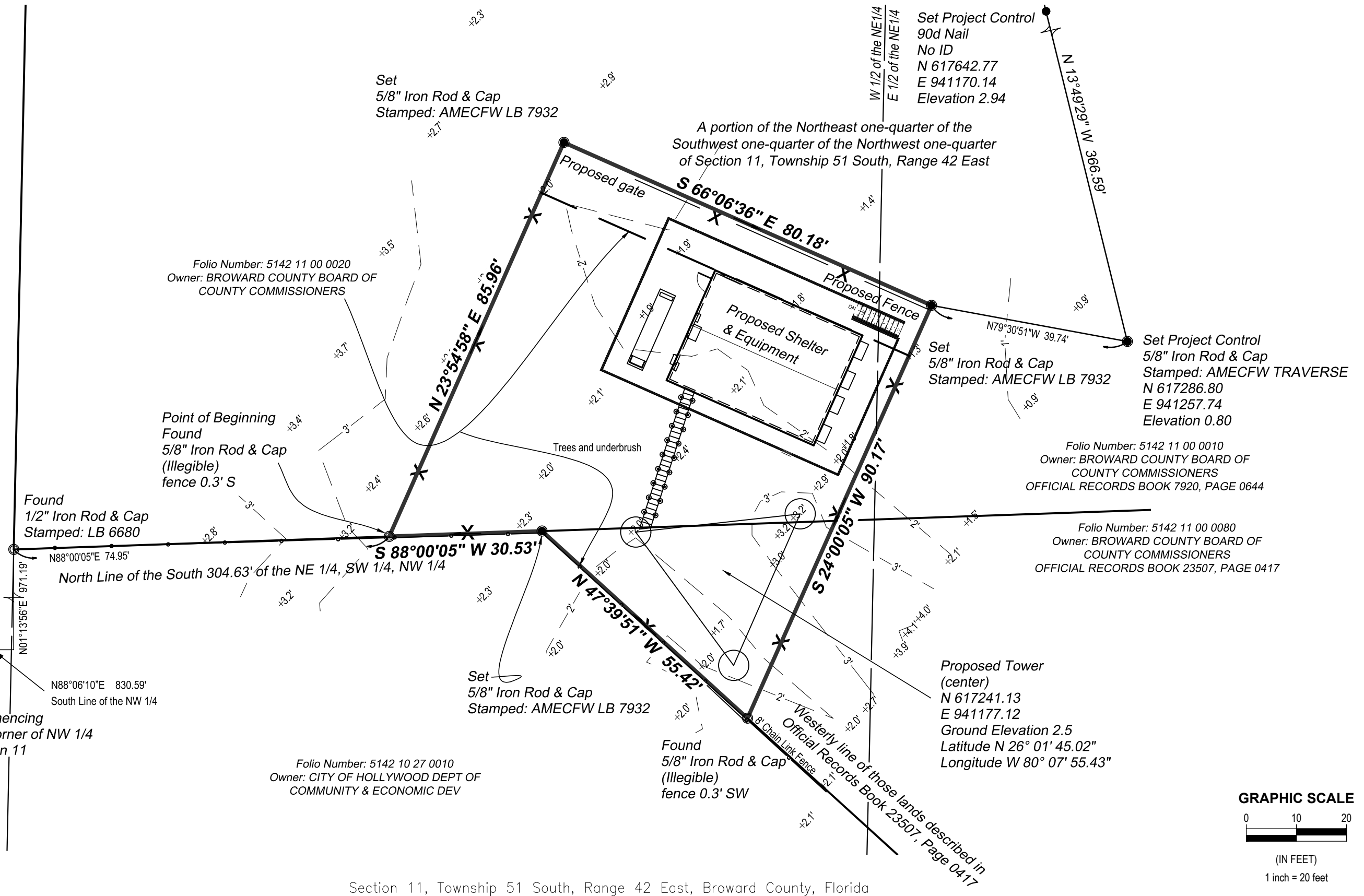
PHONE: (954) 723-5000

BROWARD COUNTY - WEST LAKE PARK
1200 SHERIDAN STREET
HOLLYWOOD, FL 33019

| | |
|--------------------|---------------------------|
| AMEC PROJECT NO: | 6166170575.240 |
| DRAWN BY: M. RAMOS | CHECKED BY: C.B. GARDINER |
| APPROVED BY: | DATE: 01/18/2017 |

**Map of ALTA / NSPS Land Title
and
Topographic Survey**

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| NO. | DATE | REVISION |
|-----|------------|--|
| 1 | 10/25/2017 | Added Note # 8, updated site address |
| 2 | 07/19/2018 | Revised proposed shelter and fence location |
| 3 | 08/02/2018 | Updated to meet ALTA / NSPS requirements, added sheets 2 and 3 |
| 4 | 04/12/2019 | Added folio number |
| 5 | 04/15/2019 | removed "lease" statement |
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Map of ALTA / NSPS Land Title
and
Topographic Survey

ATTACHMENT 3

Notice of Public Hearing and Intent to Consider a Resolution
Approving a Modification of the Declaration of Restrictive Covenants for
West Lake Regional Park

Notice is hereby given by the Board of County Commissioners of Broward County, Florida, that said Board will hold a public hearing at 10:00 A.M. on Tuesday, May 7, 2019, in the Broward County Governmental Center, Room 422, 115 South Andrews Avenue, Fort Lauderdale, Florida 33301, to consider a Resolution approving a modification of the Declaration of Restrictive Covenants, recorded as Instrument Number 107227098 in the Official Records of Broward County, Florida ("Declaration"), to release and remove the restrictions imposed by the Declaration on (i) a portion of West Lake Regional Park located at 1200 Sheridan Street, Hollywood, Florida 33019, which portion consists of approximately 0.148 acres of land ("Parcel"), in order to permit the construction of an approximately three hundred twenty-five foot (325') tall self-supporting telecommunications tower, antennas, equipment shelter, free-standing generator, fuel tank, and other facilities necessary or useful to improve the public safety radio communication services in the areas serviced by the County ("P25 System"); and (ii) a certain road that provides vehicular access to the Parcel, which release and removal is reasonably necessary to permit the County to have the right of ingress, egress, and access to and from the Parcel for the P25 System ("Access Road"), and the right to improve and repair the Access Road to facilitate the County's access to the Parcel. The full legal descriptions of the Parcel and the Access Road are available for inspection at the Broward County Governmental Center, Real Property Section, 115 South Andrews Avenue, Room 501, Fort Lauderdale, Florida 33301. If due to a disability, you require auxiliary aids, accommodations, or alternative formats of materials to participate in a public hearing or meeting, contact Real Property Section at (954) 357-5535, or the Broward County Call Center TDD Line at (954) 370-3745. Please make any accommodation requests at least three days in advance of the public hearing.

Dated this _____ day of _____ 2019.

Mailing Instructions:

A. Publish one (1) time: April 25, 2019

B. Send two (2) proofs of publication to each of the following three (3) offices:

- | | | |
|--|---|--|
| (1) Gigi Barrasso Real Property Section 115 S. Andrews Avenue, Rm. 501 Fort Lauderdale, Florida 33301 | (2) Irma Qureshi Office of the County Attorney 115 S. Andrews Avenue, Rm. 423 Fort Lauderdale, Florida 33301 | (3) Mary Anne Darby, Deputy Clerk Records, Taxes and Treasury Div. 115 S. Andrews Avenue, Rm. 336U Fort Lauderdale, Florida 33301 |
|--|---|--|

C. Send one (1) proof of publication and invoice to:

Board of County Commissioners
Accounting Division, Room 201
Governmental Center
115 S. Andrews Avenue
Fort Lauderdale, FL 33301

Notice of Public Hearing and Intent to Consider a Resolution
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| (1) Gigi Barrasso | (2) Irma Qureshi | (3) Mary Anne Darby, Deputy Clerk |
| Real Property Section | Office of the County Attorney | Records, Taxes and Treasury Div. |
| 115 S. Andrews Avenue, Rm. 501 | 115 S. Andrews Avenue, Rm. 423 | 115 S. Andrews Avenue, Rm. 336U |
| Fort Lauderdale, Florida 33301 | Fort Lauderdale, Florida 33301 | Fort Lauderdale, Florida 33301 |

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