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May 5, 2026

Sent via Electronic Delivery: bblakeboy@broward.org

Broward County Planning Council
Attn: Barbara Blake Boy, Executive Director
115 South Andrews Avenue, Room 307
Fort Lauderdale, FL 33301

RE: Hollywood Beach Resort – Express Municipal Approval and Longstanding Condominium Status (Parcel ID #514213010680)

Dear Mrs. Blake Boy,

As you may recall, the undersigned firm represents The Hollywood Beach Resort Condominium Association, Inc. This letter serves to supplement the City of Hollywood’s recent submission relating to the Hollywood Beach Resort, and its prior vested rights letter dated October 16, 2024.

An exhaustive review of the City’s historical records, spanning nearly fifty years of microfilm, has yielded conclusive evidence that the Hollywood Beach Resort was expressly approved, developed, sold, and continuously regulated as a condominium since 1986.

This is not a case of ambiguity or after-the-fact interpretation. The record undeniably reflects formal City Commission approval of a unitized residential condominium project, followed by decades of consistent municipal recognition and regulation.

I. The City Commission Expressly Approved a Condominium Development

The City’s own legislative record confirms that the redevelopment of the Hollywood Beach Resort was expressly approved as a condominium project.

City Commission Resolution No. R-86-50, adopted April 16, 1986, specifically authorizes a development consisting of **398 condominium units**, as part of a multi-phase redevelopment plan. See **Exhibit “A”**. The use of the term “condominium units” in the City’s own legislative

May 5, 2026

approval is not incidental. It is a direct and intentional authorization of condominium ownership as part of the approved development.

This approval was reaffirmed and expanded by **City Commission Resolution No. R-87-133, adopted September 16, 1987**, which again defines the project as **“398 resort units”** comprising **“312 condominium efficiency units, 34 condominium suites, 3 condominium two-bedroom units, 5 condominium loft units, 6 penthouse suites, and 38 time share units”**, together with retail, office, and mixed-use components. See **Exhibit “B”**.

These are formal legislative acts of the City Commission. They do not suggest or imply a condominium, they **expressly approve one**, identifying specific categories and quantities of condominium units. The approvals were based on detailed site plans, architectural drawings, and development configurations presented to and approved by the City Commission.

II. Conversion Was Public, Documented, and Widely Known

The contemporaneous public records independently confirm the same result.

A **July 2, 1986 *Sun-Sentinel* article** reports that the property was converted into **“a combination shopping mall and condominium resort,”** and further notes that **“all the units were sold in three months.”** See **Exhibit “C”**.

A **December 21, 1985 *Sun-Sentinel* article** similarly confirms that the redevelopment included **hundreds of “resort condominium units,”** to be sold fee simple to individual purchasers with warranty deeds and title insurance. See **Exhibit “D”**.

Additional reporting confirms that the project was publicly celebrated and attended by **“political figures”**, demonstrating that the redevelopment was not only widely known, but recognized at the highest levels of local government. See **Exhibit “E”**.

These were not private or obscure transactions, they were publicly marketed, widely reported, and executed in plain view.

III. The City’s Permitting Records Confirm Unitized Development

The City’s own permitting records further confirm that the building was reviewed and approved as a unitized condominium structure.

A permit card from the relevant period documents an **“interior renovation of 178 units,”** reflecting that the City evaluated and approved construction based on a multi-unit configuration. See **Exhibit “F”**.

May 5, 2026

This type of unit-based permitting is consistent only with condominium development and is inconsistent with the treatment of a single, unified hotel property.

IV. The City Has Regulated the Property as a Condominium for Decades

In addition to its express legislative approval, the City's ongoing regulatory conduct over nearly four decades independently confirms continuous recognition of the property as a condominium.

Following its approval in 1986, the City has consistently treated and regulated the property as a condominium across multiple departments:

- Code enforcement actions issued against individual unit folios, recognizing each unit as a separate parcel of real property (See **Exhibit "G"**);
- Fire assessments billed directly to individual unit owners, consistent with condominium ownership rather than a single hotel operator (See **Exhibit "H"**);
- Fire inspection and regulatory records classifying and identifying the property as a "condo" or condominium structure in the course of official enforcement activities (See **Exhibit "I"**); and
- Utility accounts maintained in the name of the condominium association, not a unified hotel ownership entity (See **Exhibit "J"**).

Most notably, the City's fire inspection and assessment records reflect direct operational treatment of the property as a condominium, including classification of the structure as a "condo" and the billing of fire assessments to individual unit owners. These are not passive references. They are affirmative regulatory actions that necessarily rely on recognition of separate unit ownership.

These actions are not isolated. They constitute consistent, multi-departmental governmental conduct that can only occur where a municipality recognizes and accepts a property's condominium form of ownership.

V. Constructive Notice and Continuous Actual Knowledge

Finally, the **1986 recording of the Declaration of Condominium** placed the City and County on constructive notice of the property's legal status. See **Exhibit "K"**. Broward County, as a governmental entity, was therefore also on constructive notice of the condominium form of ownership from that date forward.

From that point forward, the City was legally charged with knowledge of the condominium form of ownership. More importantly, the City's subsequent legislative approvals, permitting decisions, inspections, billing practices, and enforcement actions confirm that it acted with **actual knowledge**.

VI. Vested Rights and Equitable Estoppel

Even independent of the City's express legislative approval, the record establishes that the condominium use of the Hollywood Beach Resort is protected under well-established principles of vested rights and equitable estoppel.

For nearly four decades, the City has not only recognized the property as a condominium, but has actively regulated it as such through permitting, inspections, taxation, code enforcement, and utility administration. Property owners have purchased, improved, and relied upon their individual units in good faith based on this continuous and unequivocal governmental conduct. Those owners have relied on the City's approvals and continuous regulatory recognition to acquire, finance, and occupy their units over multiple decades, incurring millions of dollars in collective financial obligations through property acquisitions, property tax payments, and association dues.

Under Florida law, where a governmental entity has affirmatively acted in a manner upon which property owners reasonably rely, and where such reliance has resulted in substantial investment and long-standing use, the government is estopped from later reversing its position to the detriment of those owners. See *Hollywood Beach Hotel Co. v. City of Hollywood*, 329 So. 2d 10 (Fla. 1976); *Sakolsky v. City of Coral Gables*, 151 So. 2d 433 (Fla. 1963).

Here, the City's legislative approvals, combined with decades of consistent, multi-departmental recognition of the property as a condominium, have created vested rights in that use. The condominium form of ownership is not merely a historical condition. It is a legally protected status that cannot now be disclaimed or recharacterized. See *Franklin County v. Leisure Properties, Ltd.*, 430 So. 2d 475 (Fla. 1st DCA 1983); *City of Lauderdale Lakes v. Corn*, 415 So. 2d 1270 (Fla. 1982).

Any attempt to do so would contradict the City's own legislative record, undermine decades of reliance by hundreds of unit owners, and violate fundamental principles of fairness and due process recognized under Florida law.

Conclusion

The Planning Council is not being asked to create or approve a new use, but rather to recognize the vested status of a condominium form of ownership that was expressly approved by the City, relied upon by the public, and consistently acknowledged in governmental records for nearly four decades.

May 5, 2026

The exhaustive evidentiary record confirms what the facts have always shown: the Hollywood Beach Resort was expressly approved, redeveloped, and continuously recognized by the City of Hollywood as a condominium.

The record is clear, consistent, and overwhelming:

- The City Commission **expressly approved** a condominium development through formal resolutions (See **Exhibits “A–B”**);
- The conversion was **publicly implemented and widely reported**, with political awareness and involvement (See **Exhibits “C–E”**); and
- The City has **regulated and treated the property as a condominium for decades** across all departments (See **Exhibits “F–J”**).

There is no competing record, no contrary approval, and no factual basis upon which the condominium status of the property can be challenged.

These facts are not subject to reasonable dispute and establish both the lawful approval and continuous recognition of the condominium use by the City.

Accordingly, as a matter of law, the condominium form of ownership at the Hollywood Beach Resort constitutes a vested and legally protected property right that cannot now be denied, recharacterized, or impaired.

Based on the foregoing, and pursuant to the protections afforded under Section 8.06 of the Broward County Charter, we respectfully request that the Planning Council issue a formal vested rights determination confirming the longstanding and lawful condominium status of the property.

Should the Planning Council require additional documentation or clarification, we will promptly provide it. We respectfully request a formal response as expeditiously as possible.

Respectfully submitted,



Keith M. Poliakoff, Esq.

Cc: The Hollywood Beach Resort Condominium Association, Inc.

Enc.