

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, RECOGNIZING AND CONFIRMING THE VESTED RIGHTS AND LONGSTANDING LAWFUL RESIDENTIAL STATUS OF THE PROPERTY COMMONLY KNOWN AS THE HOLLYWOOD BEACH RESORT GENERALLY LOCATED AT 101 NORTH OCEAN DRIVE, HOLLYWOOD, FLORIDA (THE "PROPERTY"); CONFIRMING THE PROPERTY'S VESTED RIGHT TO HAVE 398 RESIDENTIAL UNITS IN ADDITION TO ITS COMMERCIAL AND ACCESSORY USES; FINDING THAT THE PROPERTY WAS EXPRESSLY APPROVED, DEVELOPED, SOLD, AND REGULATED AS A RESIDENTIAL DEVELOPMENT FOR NEARLY FORTY YEARS; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property commonly known as the Hollywood Beach Resort, generally located at 101 North Ocean Drive, Hollywood, Florida (the "Property"), was originally developed in 1925 and has contained a mixture of residential, commercial, hospital, hospitality, and accessory uses; and

WHEREAS, on April 16, 1986, Resolution No. R-86-50 approved a redevelopment program consisting of 398 resort units, including condominium efficiency units, condominium suites, condominium two-bedroom units, condominium loft units, penthouse suites, and time-share units, as part of a multi-phase redevelopment of the Property; and

WHEREAS, as a result of this Resolution, on or about July 29, 1986, a Declaration of Condominium establishing the Hollywood Beach Resort, A Condominium, was recorded in Official Records Book 13593, Page 406, of the Public Records of Broward County, Florida, thereby formally creating a condominium form of ownership for the Property, which thereafter was continuously recognized, regulated, and relied upon by the City and the public for decades; and

WHEREAS, on September 16, 1987, Resolution No. R-87-133 reaffirmed and modified the approved redevelopment program and expressly identified a project consisting of 398 resort units, including condominium efficiency units, condominium suites, condominium two-bedroom units, condominium loft units, penthouse suites, and time-share units; and

WHEREAS, the City Commission finds that Resolution No. R-86-50 and Resolution No. R-87-133 constitute formal governmental approvals authorizing a

development program consisting of 398 resort units and associated commercial uses and that such approvals established the residential entitlements associated with the Property and were implemented through redevelopment of the Property and the recording of the Declaration of Condominium; and

WHEREAS, on January 8, 2026, representatives of the City and Broward County Planning Council met regarding the development parameters of the Property, and Broward County Planning Council staff requested documentation evidencing formal governmental action authorizing, recognizing, or otherwise establishing residential entitlements associated with the Property; and

WHEREAS, in response to that request, City staff conducted an extensive review of historical records, approvals, permits, planning records, regulatory records, and archived materials and determined that substantial documentary evidence exists demonstrating that the Property was approved, developed, operated, and regulated consistent with the City-approved development program and has long been recognized and treated by the City as a residential condominium development; and

WHEREAS, the City's approvals of the redevelopment of the Property were based upon detailed site plans, development plans, architectural plans, density calculations, and other materials reviewed and approved by the City; and

WHEREAS, the City Commission finds that the historical governmental approvals, together with the subsequent implementation of those approvals and the City's longstanding recognition of the Property's residential condominium status, establish and confirm the residential entitlements associated with the Property; and

WHEREAS, City permitting records from the relevant period reflect approvals for renovations involving hundreds of individual residential units, thereby confirming that the Property was reviewed and approved as a unitized residential development; and

WHEREAS, City records, including planning records, permitting records, code enforcement records, utility records, fire inspection records, and assessment practices, consistently recognized and treated the Property as a residential condominium development; and

WHEREAS, City records reflect the existence of individual residential unit folios, code enforcement actions against separate units, fire assessments allocated to individual unit owners, and utility accounts maintained in the name of a condominium ownership association; and

WHEREAS, official fire inspection and regulatory records identified the Property as a "condo" and/or condominium structure during the course of governmental inspections and enforcement activities; and

WHEREAS, owners of units within the Property have acquired, financed, improved, occupied, transferred, taxed, insured, and otherwise relied upon the City's approvals and longstanding recognition of the Property's residential condominium form of ownership for decades; and

WHEREAS, the supporting documentation referenced herein and compiled in the accompanying agenda package, including but not limited to Exhibits "A" through "K," is incorporated by reference and relied upon in its totality in support of the findings set forth in this Resolution; and

WHEREAS, under Florida law, vested rights arise where governmental approvals and longstanding governmental conduct induce substantial reliance and investment by property owners, including as recognized in *Hollywood Beach Hotel Co. v. City of Hollywood*, 329 So. 2d 10 (Fla. 4th DCA 1976), *Sakolsky v. City of Coral Gables*, 151 So. 2d 433 (Fla. 3d DCA 1963), *Franklin County v. Leisure Properties, Ltd.*, 430 So. 2d 475 (Fla. 1st DCA 1983), and *City of Lauderdale Lakes v. Corn*, 415 So. 2d 1270 (Fla. 1982), and the City Commission finds that such principles provide additional support for the recognition and confirmation of the Property's residential entitlements; and

WHEREAS, the City Commission conducted a duly noticed public hearing and considered the evidence and materials presented regarding the historical approvals and development status of the Property; and

WHEREAS, the City Commission is not granting, creating, expanding, or modifying development rights through this Resolution, but is recognizing and confirming residential entitlements and vested rights that accrued through prior governmental approvals, implementation of those approvals, longstanding governmental conduct, and substantial reliance thereon; and

WHEREAS, the City Commission finds that the residential entitlements associated with the approved development program and the Property's longstanding residential condominium status constitute vested rights and legally protected property interests that cannot be denied, recharacterized, or impaired; and

WHEREAS, the City Commission further finds that recognition of the vested residential status of the Property is consistent with the City's historical legislative approvals, longstanding municipal conduct, principles of fairness and due process, and applicable Florida law.

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: The City Commission finds that Resolution No. R-86-50, Resolution

No. R-87-133, the Declaration of Condominium, and the subsequent development and operation of the Property established a development program consisting of up to 398 residential units and associated commercial and accessory uses and that the Property possesses vested rights associated with such development program.

Section 3: The City Commission further finds that the rights identified in Section 2 constitute vested and legally protected property rights under Florida law based upon the City's approvals, the implementation of those approvals, the City's longstanding recognition and regulation of the Property, and the substantial good-faith reliance of property owners and their predecessors.

Section 4: That the City Commission hereby finds that this Resolution does not create, grant, expand, or enlarge development rights, but instead recognizes and confirms residential entitlements and vested rights previously established through governmental approvals and further confirmed by decades of implementation, governmental recognition, and reliance.

Section 5: That the lawful residential condominium status and vested rights associated with the Property shall continue to be recognized by the City, subject to applicable building, fire, life-safety, and operational regulations.

Section 6: That all resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 7: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2026.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DAMARIS HENLON
CITY ATTORNEY