



City Attorney's Communication #2019-495

February 12, 2019

TO: Cassandra LeMasurier, Real Property Manager

FROM: Mark E. Berman, City Attorney

RE: Resolution – McNair Park Improvements
Proposed Acquisition of 1081 NW 27th Avenue

As requested in your e-mail of February 12, 2019, the above-referenced Resolution has been revised and is captioned as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, FINDING THAT ACQUISITION OF PRIVATE PROPERTY THROUGH NEGOTIATED CONVEYANCE OR THE CITY'S EMINENT DOMAIN POWER SERVES A PUBLIC PURPOSE AND IS NECESSARY FOR EXPANSION AND RENOVATION OF MCNAIR PARK; AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY AND ALL OTHERS DESIGNATED TO ACT ON THEIR BEHALF TO ACQUIRE VIA NEGOTIATED CONVEYANCE OR EMINENT DOMAIN THE PROPERTY DESCRIBED IN EXHIBIT "A," AND TO TAKE ALL ACTIONS THAT THEY DETERMINE ARE REASONABLY NECESSARY INCLUDING, BUT NOT LIMITED TO, ENGAGING EXPERT WITNESSES AND CONSULTANTS, TO ACQUIRE THE PROPERTY DESCRIBED IN EXHIBIT "A"; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact me if I may be of further assistance


MARK E. BERMAN

/jrm
l:cor/finance/rpm/2019-495

Attachment

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, FINDING THAT ACQUISITION OF PRIVATE PROPERTY THROUGH NEGOTIATED CONVEYANCE OR THE CITY'S EMINENT DOMAIN POWER SERVES A PUBLIC PURPOSE AND IS NECESSARY FOR EXPANSION AND RENOVATION OF MCNAIR PARK; AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY AND ALL OTHERS DESIGNATED TO ACT ON THEIR BEHALF TO ACQUIRE VIA NEGOTIATED CONVEYANCE OR EMINENT DOMAIN THE PROPERTY DESCRIBED IN EXHIBIT "A," AND TO TAKE ALL ACTIONS THAT THEY DETERMINE ARE REASONABLY NECESSARY INCLUDING, BUT NOT LIMITED TO, ENGAGING EXPERT WITNESSES AND CONSULTANTS, TO ACQUIRE THE PROPERTY DESCRIBED IN EXHIBIT "A"; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pompano Beach ("City") adopted a 2010 Comprehensive Plan which, through its "Recreation and Open Space Element," implements a policy of providing mini-parks, neighborhood parks, and small urban space acreage at a level of service rate of two (2) acres per 1,000 residents; and

WHEREAS, in 2012-2013, the City's Parks and Cultural Arts Department, under the auspices of the City Commission, developed a City-Wide Parks Master Plan ("Master Plan") to identify the recreational needs of the communities in the City and to provide a roadmap for the expansion and improvement of all City parks; and

WHEREAS, the City Commission adopted the Master Plan on July 23, 2013 through Resolution 2013-332; and

WHEREAS, the Master Plan identified the need to expand and improve park and urban space acreage in District 5 by focusing on the following upgrades to McNair Park: (1) expansion of its recreation center building; (2) addition of playground space and equipment for children; (3) construction of a multi-use football/soccer lighted field with bleachers for up to 1,850 spectators, adjacent restroom facilities, and a 10-lane running track; and (4) additional parking facilities; and

WHEREAS, the Master Plan evaluated two alternative designs for the proposed improvements to McNair Park, and both designs require acquisition of the privately owned property located at 1081 NW 27th Avenue (more particularly described in Exhibit “A” attached to this Resolution) that is immediately adjacent to the existing McNair Park; and

WHEREAS, the population in City’s Park Service District 5 (“District 5”) in 2010 was 24,209, and is expected to increase to 27,449 by 2023; and

WHEREAS, the present park inventory in District 5 consists of 12.4 acres, and per the City’s policy should be, at a minimum, 48.4 acres to serve the District 5 community at the desired level of service; and

WHEREAS, in 2011 the City conducted a community planning process for the Collier City neighborhood, which is located in District 5, to identify the community needs and desires, pursuant to which a neighborhood plan called “DECOMAP” was developed; and

WHEREAS, the public input gathered in developing DECOMAP revealed that McNair Park, as the civic heart of the Collier City community, provides a meeting place for community functions, a venue for community sports, and a place of activity for local children; and

WHEREAS, DECOMAP included, as one of its major recommendations, that the City expand and improve McNair Park to address the recreational needs of the Collier City neighborhood; and

WHEREAS, expansion and improvement of McNair Park was approved as one of the G.O. Pompano! Bond projects; and

WHEREAS, the City Commission has determined that expansion and improvement of McNair Park is necessary, practical, and in the best interest of the City; and

WHEREAS, the City Commission finds that acquisition of fee simple title to the property described in Exhibit “A” serves a public purpose and is necessary to expand and improve McNair Park to serve the recreational needs of the District 5 community; and

WHEREAS, the City Commission finds that it is necessary to acquire fee simple title to the property described in Exhibit “A” by negotiated conveyance or the City’s eminent domain power and to employ legal counsel, a real estate appraiser, and other experts reasonably necessary to accomplish such acquisition; and

WHEREAS, pursuant to sections 166.401 and 166.411, and Chapters 73 and 74 of the Florida Statutes, the City is authorized to exercise the right and power of eminent domain; now, therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That the recitals and findings contained in the preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

SECTION 2. That it is found that acquisition of the private property described in Exhibit “A,” through negotiated conveyance or the City’s power of eminent domain, serves a public purpose and is necessary for the creation of park land and the construction of public facilities in the District 5 community.

SECTION 3. That the City Attorney and those designated to act on his behalf are authorized to initiate eminent domain proceedings pursuant to Chapters 73, 74, and 166, Florida Statutes, and to file petitions, pleadings, affidavits, declarations of taking, and any other documents authorized by Florida Statute or rule of court to accomplish said acquisition.

SECTION 4. That the City Attorney and City Manager are authorized to retain expert witnesses and consultants, and to take further actions that are reasonably necessary to acquire said property.

SECTION 5. That this Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2019.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
2/12/19
l:reso/2019-95

EXHIBIT "A"

Parcel Identification No. (per Broward County Property Appraiser): 4842 33 05 3420

Lot No. 1557, of COLLIER CITY LOTS, described as follows: The South 50 feet of the North 1/5 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 33, Township 48 South, Range 42 East, except the West 510 feet; also less the North 25 feet and the East 25 feet thereof, to be dedicated to Broward County for Public Road purposes according to an unrecorded Plat No N 9 W, of Collier City Lots, made by reference a part hereof, lying and being in Broward County.
and

Lot no 1558, of COLLIER CITY LOTS, described as follows: The North 1/5 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 33, Township 48 South, Range 42 East, except the West 510 feet and the South 50 feet; also less the North 25 feet and the East 25 feet thereof, dedicated to Broward County for free Public Road purposes according to an unrecorded Plat No N 9 W, of Collier City Lots, made by reference a part hereof, lying and being in Broward County.