

## RESOLUTION FY24-08

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE NORTH BROWARD HOSPITAL DISTRICT AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY IN FEE SIMPLE DESIGNATED AS PARCELS 100 THROUGH 107; DECLARING THE CONDEMNATION TO ACQUIRE SUCH PROPERTY DESIGNATED AS PARCELS 100 THROUGH 107 AS IN THE PUBLIC INTEREST, FOR A PUBLIC PURPOSE, AND NECESSARY FOR THE PUBLIC USE THEREOF; PERMITTING THE ENGAGEMENT OF APPRAISERS AND OTHER EXPERTS; AUTHORIZING THE FILING OF EMINENT DOMAIN PROCEEDINGS.**

**WHEREAS**, the Florida Legislature established the North Broward Hospital District (the "District"), a special district of the State of Florida, pursuant to ch. 2006-347, Laws of Florida, as amended (the "District's Charter"), to maintain hospitals and supportive facilities for the care and treatment of the people of said District;

**WHEREAS**, the District is governed by the Board of Commissioners of the North Broward Hospital District (the "Board");

**WHEREAS**, Section 6 of the District's Charter tasks the Board with establishing, constructing, and maintaining hospitals and health care facilities for the treatment of the District's residents and the preservation of the public health as the Board, in the Board's opinion, deems necessary for the needs of the people of the District;

**WHEREAS**, there has been rapid growth in the population of Broward County, Florida, which, from 2010 through 2020, according to the United States Census Bureau, resulted in an 11.2 percent increase in Broward County's population;

**WHEREAS**, the National Association of County & City Health Officials developed the Mobilizing for Action through Planning and Partnerships ("MAPP") planning process to improve community health, and Phase 3 of MAPP includes four (4) assessments designed to investigate and identify the most critical health care issues and areas of concern within communities;

**WHEREAS**, the Broward Regional Health Planning Council, in collaboration with the Florida Department of Health in Broward County, performed the MAPP assessments and identified access to care to residents of Broward County as a community health need area of concern;

**WHEREAS**, in Section 8 of the District's Charter, the Florida Legislature has delegated the authority to the Board to exercise the power of eminent domain to condemn and acquire real and personal property within the District's boundaries which the Board deems necessary for the use of the District;

**WHEREAS**, Section 8 of the District's Charter requires condemnation to be exercised in the same manner provided by municipalities under general law, and, accordingly, the District is subject to the procedures delineated in Part IV of ch. 166, Fla. Stat., and art. X, s. 6 of the Florida Constitution;

**WHEREAS**, Section 166.401(3), Fla. Stat., requires the Board to adopt a resolution authorizing the acquisition of real or personal property by eminent domain for the use or purpose designated in such resolution, which must be for a public purpose and consistent with the uses and purposes provided in § 166.411, Fla. Stat.;

**WHEREAS**, Section 166.411(1)-(2), Fla. Stat., permits the exercise of the power of eminent domain for public improvements deemed necessary for the preservation of the public health or for other good reason connected with the public welfare or interests of the people of the District, as well as to enable the accomplishment of those purposes delineated in § 180.06, Fla. Stat., which includes the construction of hospitals;

**WHEREAS**, the Board has the responsibility to determine the needs of the District and its residents based on the current and anticipated growth of the population within the boundaries of the District, the Board has considered the existing District facilities and the expansions necessary to be made so that the District's needs may be fulfilled, and the Board has concluded that it is necessary to expand the hospital campus of Broward Health Medical Center in Fort Lauderdale to preserve and promote the current and future growth of the District, the population's access to health care, and the public's needs;

**WHEREAS**, the District's administration recommends the acquisition of the property described in this Resolution, and the Board deems the acquisition of such property in fee simple necessary and in the best interest of the public for the expansion of Broward Health Medical Center's hospital campus to account for the population's growth and to improve residents' access to health care;

**WHEREAS**, the Board has been presented with and considered various alternatives, costs, safety issues, long-range plans, and environmental concerns applicable to these properties, and the Board has determined that acquisition of the properties is necessary for the use of the District;

**WHEREAS**, the property owners have been or may be unwilling or unable to sell the real property needed by the District, have not accepted the offers made by the District to purchase such properties, and the expansion and construction of the hospital campus will be impeded unless the District acquires the properties; and

**WHEREAS**, unless the context otherwise requires, capitalized terms used but not defined herein have the meanings ascribed to such terms in the Amended and Restated Bylaws of the North Broward Hospital District and its accompanying Codified Resolutions of the Board of Commissioners of the North Broward Hospital District.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the North Broward Hospital District, that:

1. The above-stated recitals are true and correct in every respect and are hereby incorporated herein by reference.
2. The Board hereby finds, determines, and declares that the acquisition of the properties designated as Parcels 100, 101, 102, 103, 104, 105, 106, and 107, as further described in **Exhibit A**, attached hereto and incorporated herein by reference, for hospital expansion purposes to improve the District's residents' access to care is necessary, practical, and in the best interest of the public and the District's residents, and it is necessary to acquire title in and to said properties in fee simple for such purpose, as well as for the treatment and needs of the District's residents, the preservation of public health, and for the purposes set forth in the foregoing recitals.
3. The District's President and Chief Executive Officer ("CEO") and any of the CEO's respective delegees are hereby authorized, empowered, and directed to acquire fee simple title in and to the properties described in **Exhibit A** by purchase or condemnation (if unable to purchase) for the purposes stated in this Resolution, and the District's General Counsel and those attorneys retained by the General Counsel are hereby further authorized and empowered to institute the necessary proceedings under ch. 73, Fla. Stat., and other general law to acquire fee simple title in and to the properties described in this Resolution.
4. The CEO, the CEO's respective delegees, and the General Counsel of the District are hereby authorized, empowered, and directed to proceed to take, or cause to be taken, any and all acts, deeds, and matters, including, without limitation, the negotiation with the owners for the purchase of the

real property described in this Resolution, to institute, direct, and carry out condemnation proceedings for the purpose of acquiring such real property in the manner provided by law, to pay all sums and costs necessary to carry out the intent of this Resolution, to hire experts, consultants, appraisers, and attorneys deemed necessary, to make any filings, pleadings, affidavits, or certifications, and to execute and deliver, or cause to be delivered the foregoing as well as any required agreements, notices, instruments, and other necessary documents for, in the name of, and on the behalf of the District and in the best interests of the District, in each case, as the CEO, CEO's respective delegates, and the General Counsel deem necessary or appropriate in order to carry out and effectuate the purposes and intent of this Resolution, as conclusively evidenced by the taking of such actions or the execution and delivery of such documents, as the case may be, by such individuals.

5. The CEO and General Counsel are hereby further authorized, empowered, and directed to take further actions, including the use of outside counsel, to the extent they deem appropriate and reasonably required to fully accomplish the purposes of this Resolution that may be necessary to fully accomplish such purposes.
6. The Board hereby approves, ratifies, and confirms in all respects any and all actions heretofore taken by any officer, employee, or agent of the District in connection with the subject matter of this Resolution as the acts and deeds of the District and the Board.
7. This Resolution hereby supersedes, amends, replaces, and repeals any conflicting resolution or policy previously adopted by the Board. If any term, provision, directive, property description, or statement of this Resolution is found to be invalid or unenforceable, it shall not affect the other provisions, directives, property descriptions, or statements hereof, which shall nevertheless continue to be valid and enforceable as though the invalid or unenforceable provisions, directives, property descriptions, or statements had not been included herein.
8. This Resolution shall become effective immediately upon adoption.

**DULY ADOPTED** this 27th day of March, 2024.

Time Adopted \_\_\_\_\_ PM

**EXHIBIT A**

**DESCRIPTION OF PARCELS**

**Parcel 100**

Record Owner: ECE AEG, LLC

Property Address: 1104 NW 1st Street, Fort Lauderdale, FL 33311

Broward County Parcel ID: 5042-04-01-0200

Containing approximately 14,000 square feet (.321 Acres)

**Legal Description: Lots 3 and 4, Block 202, SEMINOLE ADDITION, according to the Plat thereof, as recorded in Plat Book 1, Page 88, of the Public Records of Miami-Dade County, Florida, amended and now situate, lying and being in Broward County, Florida.**

**Parcel 101**

Record Owner: 301 Commercial Property, LLC

Property Address: 301 SE 16th Street, Fort Lauderdale, FL 33316

Broward County Parcel ID: 5042-15-10-1960

Containing approximately 6,260 square feet (.144 Acres)

**Legal Description: Lot 9, Block 33A, CROISSANT PARK, according to the Plat thereof, recorded in Plat Book 4, Page 28, of the Public Records of Broward County, Florida, less Right of Way for Southeast Third Avenue recorded on July 16, 1965 in Official Records Book 3050, at Page 326.**

**Parcel 102**

Record Owner: 1409 SE 1st Avenue, LLC

Property Address: 1409 SE 1st Avenue, Fort Lauderdale, FL 33316

Broward County Parcel ID: 5042-15-10-1560

Containing approximately 7,625 square feet (.175 Acres)

**Legal Description: The North 27.40 feet of Lot 17 and the South 33.60 feet of Lot 18, Block 26, CROISSANT PARK, according to the Plat thereof, as recorded in Plat Book 4, Page 28, of the Public Records of Broward County, Florida.**

**Parcel 103**

Record Owner: Ayda Weiss, LLC

Property Address: 1417 SE 1st Avenue, Fort Lauderdale, FL 33316

Broward County Parcel ID: 5042-15-10-1540

Containing approximately 7,625 square feet (.175 Acres)

**Legal Description: All of Lot 15 and the South Eleven feet (S 11') of Lot 16, Block 26, of PLACIDENA UNIT A, according to the Plat thereof, recorded in Plat Book 1, at Page 35, of the Public Records of Broward County, Florida, said property sometimes known as Lot 15 and the**

**South 11.0 feet of Lot 16, Block 26, of CROISSANT PARK, a resubdivision of PLACIDENA, according to the Plat thereof, recorded in Plat Book 4, at Page 28, of the Public Records of Broward County, Florida.**

**Parcel 104**

Record Owner: Stewart Gorenberg, as Trustee of the Stewart Gorenberg Trust Agreement dated June 12, 2007

Property Address: 1627 S. Andrews Avenue, Fort Lauderdale, FL 33316

Broward County Parcel ID: 5042-15-40-0150

Containing approximately 5,043 square feet (.116 Acres)

**Legal Description: Lot 17, LESS the West 51.0 feet thereof, RESUBDIVISION OF BLOCK 38, CROISSANT PARK, according to the Plat thereof, recorded in Plat Book 52, Page 8, of the Public Records of Broward County, Florida.**

**Parcel 105**

Record Owner: Robert L Reeder and Brenda M Reeder, Co-Trustees of the Robert L Reeder Living Trust

Property Address: 1400 S. Andrews Avenue, Fort Lauderdale, FL 33316

Broward County Parcel ID: 5042-15-10-1470

Containing approximately 7,453 square feet (.171 Acres).

**Legal Description: Lot 1, Block 26, CROISSANT PARK, as recorded in the Plat thereof, recorded in Plat Book 4, Page 28, of the Public Records of Broward County, Florida.**

**Parcel 106**

Record Owner: Coconut Isle Holdings, LLC

Property Address: 1404 S. Andrews Avenue, Fort Lauderdale, FL 33316

Broward County Parcel ID: 5042-15-10-1480

Containing approximately 10,500 square feet (.241 Acres).

**Legal Description: Lots 2, 3 and 4, Block 26, CROISSANT PARK, according to the Plat thereof, as recorded in Plat Book 4, Page 28, of the Public Records of Broward County, Florida.**

**Parcel 107**

Record Owner: Special Equity, LLC

Property Address: 1408 S. Andrews Avenue, Fort Lauderdale, FL 33316

Broward County Parcel ID: 5042-15-10-1490

Containing approximately 7,000 square feet (.161 Acres).

**Legal Description: Lots 5 & 6, Block 26, CROISSANT PARK, according to the Plat thereof, recorded in Plat Book 4, Page 28, of the Public Records of Broward County, Florida.**