

RESOLUTION NO. 502

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SOUTH BROWARD HOSPITAL DISTRICT D/B/A MEMORIAL HEALTHCARE SYSTEM (“BOARD”), AN INDEPENDENT SPECIAL DISTRICT (“DISTRICT”), THE BOARD AS A BODY CORPORATE, A GOVERNMENTAL UNIT AND AS OTHERWISE AUTHORIZED BY LAW DOES HEREBY ADOPT THE FOLLOWING RESOLUTION OF NECESSITY AND FOR EMINENT DOMAIN PROCEEDINGS FOR THE PUBLIC PURPOSE OF THE PRESERVATION OF THE PUBLIC HEALTH, FOR PUBLIC USE, AND FOR THE WELFARE OF THE SOUTH BROWARD HOSPITAL DISTRICT AND INHABITANTS THEREOF; AUTHORIZING AND DIRECTING THE BOARD TO INSTITUTE CONDEMNATION PROCEEDINGS; AND PROVIDING AN EFFECTIVE DATE

Whereas, in order to serve the healthcare needs of the residents of southern Broward County, the South Broward Hospital District D/B/A Memorial Healthcare System (“District”) was created by the Florida Legislature in 1947 and operates pursuant to its charter, Chapter 2004-397, Chapter 2016-258 (“Charter”) and Chapter 189 Florida Statutes – the Uniform Special District Accountability Act - and Chapter 2004-397 constitutes the codification of special acts relating to the District; and

Whereas, special districts are units of local government created for a special purpose and they serve a necessary and useful function by providing services to residents of the District and pursuant to its Charter, Section 9 of Chapter 2004-397, the District has the power of eminent domain and may thereby acquire any real or personal property within the territorial limits of the District, which this Board may deem necessary for the use of said District and to serve the public purpose for which the District was created and this Board is authorized to exercise this power as provided in Chapters 73, 74 and 166, Florida Statutes; and

Whereas, the Board of Commissioners of the District is responsible for attaining the objectives specified in its Charter and is authorized and empowered to establish, construct, operate, and maintain hospitals and other health facilities as the Board finds necessary for the use of the people of the District, the preservation of the public health, and the public good; and

Whereas, the location and legal form and structure of the District’s hospitals and other health facilities are determined by this Board; and maintenance of hospitals and other health facilities is a public purpose and necessary for the preservation of the public health, for public use, and for the welfare of the District and its inhabitants; and

Whereas, the District is an independent special tax district and its taxing authority allows it to provide healthcare regardless of the residents’ and publics ability to pay; and

Whereas, Memorial Hospital Pembroke (“MHP”) is one of (6) public hospitals operated and maintained by the District, and it provides quality healthcare regardless of ability to pay, and serves the District’s system as a whole and it also meets a critical need for the communities surrounding the hospital; and

Whereas, MHP is a duly licensed hospital and this use has been maintained since it opened in 1995. MHP occupies its site pursuant to a Lease that is expiring in June, 2025, and needs to remain in the same facility and location to continue its current use in order to serve the District and the underserved surrounding communities;

Whereas, MHP also needs to acquire the property indicated below, to provide for additional parking for the hospital’s patients, visitors, employees and other business invitees.

Whereas, the South Broward Hospital District has met and performed all conditions precedent to the adoption of this Resolution.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the South Broward Hospital District, as follows:

1. That this Board approves and adopts the recitals above as the findings of this Board and as if fully incorporated into this Resolution.
2. That the South Broward Hospital District is hereby authorized to commence and prosecute eminent domain proceedings to acquire the necessary interest in the property described in Exhibit "A" attached hereto and incorporated herein.
3. That it is necessary, serves the District objectives, and in the best interests of the residents of southern Broward County and of the District, for MHP to remain and operate at its current location, and continue to be used as described in the recitals so as to provide uninterrupted quality health care to the residents public regardless of ability to pay and the acquisition of the property and interest described herein is necessary for the continued operation of the District and MHP and for the use described in the recitals above.
4. That acquisition of the interest described in this Resolution serves the public purpose for which the South Broward Hospital District was created and having considered the safety of the public, costs, alternatives, long range planning, and environmental factors the South Broward Hospital District Board of Commissioners hereby finds and determines that the acquisition of the following interest is necessary as to the real property described as follows:

Tax Parcel Id Nos. 514110170030 and 514110010091

FEE SIMPLE INTEREST, as further described on Exhibit "A" below, together with all the easements, tenements, messuages, muniments of title, hereditaments and appurtenances thereto belonging or in anywise appertaining, including but not limited to those easements described on Exhibit "A" attached hereto and incorporated herein (all of the foregoing real property is hereinafter collectively referred to as the "Property").

5. That the Office of General Counsel of the South Broward Hospital District is hereby authorized and directed to engage counsel and institute a lawsuit in the Broward County Circuit Court in the name of the South Broward Hospital District for the purpose of acquiring the parcel described above and in Exhibit "A" and to do all things necessary to prosecute such suit to final judgment by settlement or adjudication. The Office of General Counsel is hereby authorized and directed to utilize and assert all legal and statutory authority of the South Broward Hospital District and this Board of Commissioners relative to the acquisition of the subject parcel. The Office of General Counsel is further authorized to accomplish the acquisition described herein by settlement and compromise if the same can be accomplished.
6. This Resolution shall be in full force and effect immediately upon its passage and adoption.

IN WITNESS WHEREOF, the undersigned have hereunto subscribed our names and in our official capacities as Commissioners of this District, this ___ day of _____, 2024.

Attest:

Attest:

Chair, Board of Commissioners

Secretary/Treasurer, Board of Commissioners

EXHIBIT "A"

PARCEL 1:

Parcel C, WALNUT CREEK, according to the Plat thereof, recorded in Plat Book 167, Page 40, of the Public Records of Broward County, Florida.

PARCEL 2:

That portion of Tract 22 of, "A.J. BENDLE SUBDIVISION OF SECTION 10, Township 51 South, Range 41 East", according to the Plat thereof, as recorded in Plat Book 1, at Page 27, of the Public Records of Miami-Dade County, Florida, described as follows:

Beginning at the Northeast corner of said Tract 22, thence Westerly along the North line of Tract 22, a distance of 918.42 feet; thence Southerly, parallel with the West line of said Section 10, a distance of 330.65 feet to the South line of Tract 22; thence Easterly along said South line 918.44 feet to the Southeast corner of Tract 22; thence Northerly along the East line of Tract 22 a distance of 330.47 feet to the Point of Beginning.

Together with the West 254.00 feet of the East 781.14 feet to Tract 23 of said A.J. BENDLE SUBDIVISION, said portion of Tract 23 being also described as follows:

Part of Tract 23, according to the Plat of A.J. Bendle Subdivision of Section 10, Township 51 South, Range 41 East, as recorded in Plat Book 1, at Page 27, in the Public Records of Miami-Dade County, Florida, and being more particularly described as follows:

Commence at the Northeast corner of Tract 22 of said Subdivision and thence run in a Southerly direction along the Easterly line of said Tract 22 for a distance of 330.47 feet to the Southeast corner of said Tract 22, thence run in a Westerly direction along the Southerly line of said Tract 22 for a distance of 527.14 feet to the Point of Beginning of the Tract of land herein described, from the Point of Beginning thus obtained continue along the last described course for a distance of 254.0 feet, thence run in a Southerly direction parallel to the Easterly line of Tract 23 of said subdivision for a distance of 330.52 feet to a point on the Southerly line of Tract 23, thence run in an Easterly direction along the Southerly line of Tract 23 for a distance of 254.0 feet thence run in a Northerly direction, parallel to the Easterly line of Tract 23, for a distance of 330.52 feet to the Point of Beginning.

Said lands situate, lying and being in Broward County, Florida.

TOGETHER WITH the owner's interests in the following described easements:

Easement for Ingress/Egress as described in that certain Corrective Easement recorded on February 4, 1980, in Book 8710, Page 399.

Grant of Easement recorded on February 25, 1974, in Book 5652, Page 374

Easements described in that certain Declaration of Easement recorded in Book 6245, Page 263, O.R. Book 5652, page 374, and O.R. Book 5652, page 379.

Together with any and all mineral rights, restrictions, reversionary and another other interest which affect Parcel 1 and 2 above, if any, which are held pursuant to that certain Affidavit recorded in O.R. Book 6362, page 213, and Deeds recorded in O.R. Book 2049, Page 388, O.R. Book 2032, Page 43, and O.R. Book 2712, Page 780 of the public records of Broward County, Florida.

Together with the following rights as contained on the indicated plats:

Any reversionary interest in Parcel 1 and Parcel 2 as contained on that certain plat for the "A.J. BENDLE SUBDIVISION OF SECTION 10, TOWNSHIP 51 SOUTH, RANGE 41 EASE", as recorded in Plat Book 1 Page(s) 27 (it is not requested that the Plat itself be condemned)

Note 2 of the Plat Notes on the plat of WALNUT CREEK, as recorded in Plat Book 167, Page(s) 40; as affected by Agreements for Amendment of Notation on Plat recorded in Book 30280, Page 1142; Book 31469, Page 189 and Book 32336, Page 602; as further affected by Amendment to Nonvehicular Access Lines recorded in Book 33703, Page 1586. (Parcel 1) (it is not requested that the Plat itself be condemned)

All of the foregoing are of the public records of Broward County, Florida or its predecessor(s).

This condemnation does not include any other matters of record, all of which shall remain as an interest on the above real property, to the extent, they constitute a valid and current legal interest. Interests not condemned in this proceeding are not intended to be revived or extended by this condemnation action and the subsequent condemnation order and conveyance of the real property described above.