



MONICA CEPERO, County Administrator

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March 8, 2022

Shawn Hamilton, Secretary
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, M.S. 49
Tallahassee, Florida 32399-3000

Via email: shawn.hamilton@floridadep.gov

Re: Limitation of Use/Site Dedication for West Lake Park Improvements

Dear Secretary Hamilton:

Pursuant to a 2003 grant funding agreement, the Florida Department of Environmental Protection ("FDEP") provided \$200,000 to Broward County for improvements to a local park, West Lake Park (DEP Contract No. F4294). Conditions to the grant included a local match of \$200,000 by Broward County and a perpetual dedication of the property as an "outdoor recreation site" for the use and benefit of the public pursuant to Rule 62D-5.059(1). The funds provided were utilized for the intended purpose and matched by Broward County, and the contemplated improvements were completed.

As you may be aware, Broward County is nearing completion of its APCO (P25) public safety radio communication system. The sixteenth and final radio tower site is within West Lake Park ("WLP Tower Site") on a small portion of the property that the 2003 grant funding agreement requires to be dedicated as an "outdoor recreation site." This location is needed for the P25 public safety system to complete system coverage, protect first responders, and facilitate their prompt response to ensure the safety of Broward County residents and visitors, including those using West Lake Park for recreational purposes. The County seeks to facilitate the use of the WLP Tower Site for this purpose while complying with the terms of the 2003 grant. Two of my staff, Dan West, Parks & Recreation Director, and Tracy Jackson, Regional Emergency Services and Communications Director, have been communicating with Rebecca Wood, one of your Program Managers, regarding available options for successful resolution that enables Broward County to move forward. Two such options are presented for your consideration below.

The County proposes to exercise the "Conversion" election under Rule 62D-5.059(3), and to replace the WLP Tower Site with a parcel of property of at least similar size and similar use, to be dedicated as a perpetual outdoor recreation site in lieu of the WLP Tower Site. The County would ensure such dedication is properly submitted to the

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Broward County Board of County Commissioners and recorded. In addition, as required by the 2003 funding agreement, the County will also promptly record an appropriate Notice of Limitation of Use/Site Dedication for the remainder of the West Lake Park portions referenced in the 2003 funding agreement.

Alternately, the County proposes to refund to FDEP the portion of the \$200,000 attributable to the WLP Tower Site. The radio tower and shed portion of the WLP Tower Site is less than 100' x 100' and is the only area of the site that needs to be excepted from the limitation to public outdoor recreation use. There will also be associated road improvements on approximately three (3) acres of road in total, but the improved road would remain open in connection with outdoor recreational use of the park. The FDEP funding agreement addressed an area of approximately 76.5 acres, so the entire WLP Tower Site project, even inclusive of the road improvements, is less than 5% of the total parcel of land at issue. Thus, while the County prefers the "Conversion" election option referenced above, the County could instead or additionally, at FDEP's consideration, refund FDEP 10% of the FDEP funding or \$20,000.

Given the urgent need to complete this public safety communication system, we would have raised this issue with you far sooner, but the dedication requirement was not revealed by our title search, and therefore we only recently identified this issue. Because of initial municipal concern with locating the tower in West Lake Park, we had worked collaboratively with municipal officials in an effort to find an alternate site that would provide sufficiently reliable radio coverage, but no such site is available. We are now ready to proceed with installation of this final tower, and we respectfully request your assistance in promptly resolving this last issue.

Upon your approval of one of these proffered options, or any other reasonable option you identify, we will work with your staff to prepare the necessary paperwork. Thank you in advance for your consideration of this critical and time-sensitive issue.

Sincerely,



Monica Cepero
County Administrator

cc: Andrew J. Meyers, County Attorney
Kimm Campbell, Assistant County Administrator
Tracy Jackson, Director, Office of Regional Emergency Services & Communications
Dan West, Director, Parks & Recreation
Rebecca Wood, Program Manager, Land & Recreation Grants