

Summary of Proposed Settlement Regarding Airport Expansion City of Dania Beach v. Broward County

Overview of Proposed Settlement

- City residents obtain noise mitigation options otherwise unavailable to them.
- No residents are bound by the terms of the settlement; only the City is settling.
- If the FAA does not approve key provisions, then the City can back out of the agreement.
- Settlement provides greater certainty than continual litigation.

Broward County Commitments

1. Measures to Reduce and/or Mitigate Noise Impacts on Residents

a. Voluntary Night Closure of Expanded South Runway

- The expanded South Runway will be closed from 10 p.m. to 5 a.m.
- The closure will remain in effect until the completion of a new Part 150 Study. Broward County will not initiate a new Part 150 Study until eighteen months after the Runway is open. The County will recommend continuation of the night closure to the FAA as part of the new Part 150 Study.
- Exceptions to the night closure exist for high delays, periods of operational necessity, periods of construction or maintenance on the North Runway, and in emergencies.

b. Soundproofing of Residences.

- Broward County will soundproof residences at County's expense.
- Soundproofing will be available to residential units located within the 65+ DNL noise contour, plus adjacent areas within the natural boundaries and neighborhood blocks, as identified in the FAA's 2008 Record of Decision. There are approximately 1,706 residential units eligible for the sound insulation program.
- No aviation easement is required to participate in the sound insulation program.

c. Sales Assistance

- The sales assistance program has two components designed to assist residential property owners: (1) Standard Sales Assistance Component, and (2) Early Benefit Component.

- Either component of sales assistance is only available to single family homes, condominium units, townhomes and 2-unit residences located within the 65+ DNL noise contour. Residences located in natural boundaries and neighborhood block areas adjacent to the 65+ DNL are not eligible to participate in either component of sales assistance, as determined by the FAA in the 2008 Record of Decision. There are approximately 857 residences eligible to participate in either component of sales assistance.
- The owner of an eligible unit must elect to be included in either component of sales assistance within one year of the date the Runway opens.
- Fair market value will be determined by appraisers mutually approved by the City and the County.
- Under the Standard Sales Assistance Component, the owner sells their house on the private market (*i.e.*, BCAD does not purchase it). If the property sells for less than the fair market value (FMV), the County will provide the seller with a cost differential payment of up to 25% of the FMV of the property.
 - The number of properties that can participate in this component at a time is limited by an absorption study to approximately 22 homes per year.
 - To participate in the Standard Sales Assistance Component, participants must also enter the sound insulation program.
- The Early Benefit Component exists because of the limitation on annual participants that will result in a decades-long sales assistance program. Under the Early Benefit Component, the County will pay property owners who do not want to wait an “early benefit payment” equal to 20% of the property’s fair market value.
 - In return for early benefit payment, property owner must enter into a recordable “Conveyance and Release Agreement” with the County.
 - Participants in the Early Benefit Component may participate in the sound insulation program, but do not have to.
 - Participants in the Early Benefit Component are not required to sell their residences.
- A participant in the Early Benefit Component may not participate in the Standard Sales Assistance Component and vice versa.

d. Mobile Home Parks

- County agreed to pursue voluntary acquisition of Marshall/Everglades (aka Sheldon) and Ocean Waterway mobile home parks.

e. Potential Future Noise Mitigation

- County will consider use of eminent domain if in the future the new Part 150 Study identifies incompatible uses around the Airport that are eligible for federal funding.

2. Measures to Address Financial Impacts to City

a. Transfer of Properties in Plats 7 & 8

- The County will transfer ownership of Plats 7 and 8 to the City.

b. Transfer of Escheated Properties

- Certain escheated properties conveyed to the City will not be restricted to affordable housing use only.

c. Sale of County Properties in the City of Dania Beach

- County will sell other parcels it owns within the City of Dania Beach to the private sector in order to put those properties back on the City's tax rolls.

d. Redevelopment of Trails End

- The County and the City will cooperate on developing a plan to utilize Trails End property for its highest and best use consistent with Airport operations.

e. Cash Grant to City

- Broward County will provide the City with a one-time \$100,000 cash grant.

FAA Approvals

- The Federal Aviation Administration must approve (or determine eligible for federal funds) certain elements of the proposed settlement, including the –
 - Voluntary Night Closure
 - Soundproofing Program
 - Sales Assistance Program, including the Early Benefit Component
 - Transfer of properties in Plats 7 and 8

-- Sale of County properties purchased with Airport-related funds

- If the FAA does not approve the Early Benefit Component of Sales Assistance, or the transfer of properties in Plats 7 and 8, then the City has the option to void the agreement.
- If the FAA does not approve the use of airport funds for the \$100,000 cash grant, and the County does not identify another source for the funds, then the agreement is automatically void.

Dania Beach Commitments

- The City will dismiss the current litigation related to the 1995 Interlocal Agreement.
- The City will not challenge the projects approved by the FAA in the 2008 Record of Decision and the terminal redevelopment scenarios identified in the 2010 Airport Master Plan.
- The County will remain the local government with land use authority over the Airport.
- The new settlement will replace the 1995 Interlocal Agreement.