

ORDINANCE NO. C-24-32

AN ORDINANCE VACATING THE USE OF A PORTION OF THE 22.5 FOOT PARCEL OF LAND AS A PUBLIC HIGHWAY (RIGHT-OF-WAY) AND FOR OTHER PURPOSE INCIDENTAL THERETO DEEDED AND DEDICATED IN OFFICIAL RECORDS BOOK 1743, PAGE 577 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING THE EAST 22.5 FEET OF TRACTS 8 AND 9, BLOCK 96, "PALM BEACH FARMS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45-54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LOCATED WEST OF NORTHWEST 31ST AVENUE, NORTH OF PROSPECT ROAD, EAST OF STATE ROAD 7 AND SOUTH OF WEST CYPRESS CREEK ROAD (NORTHWEST 62ND STREET), ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, City of Fort Lauderdale, applied for the vacation of a public right-of-way more particularly described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the Planning and Zoning Board, at its meeting of May 15, 2024 (PZ Case No. UDP-V23007), recommended to the City Commission of the City of Fort Lauderdale ("City Commission") that they approve the application for the vacation of a public right-of-way as more particularly described and shown on Exhibit "A" attached hereto, subject to the conditions listed on Exhibit "B" attached hereto and incorporated herein; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, June 18, 2024, at 6:00 o'clock P.M., and Tuesday, July 2, 2024, at 6:00 o'clock P.M. before the City Commission at the Horvitz Auditorium NSU Art Museum located at 1 East Las Olas Boulevard, Fort Lauderdale, Florida, for the purpose of hearing any public comment to the vacation of the right-of-way; and

WHEREAS, such public hearings were duly held at the time and place designated and due notice of same was given by publication as is required by law; and

WHEREAS, the City Commission has determined that the application for vacation of right-of-way meets the criteria in Section 47-24.6.A.4 of the City of Fort Lauderdale Unified Land Development Regulations ("ULDR");

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. The City Commission finds that the application for vacation of a right-of-way meets the criteria of Section 47-24.6 of the ULDR as enunciated and memorialized in the minutes of its meetings of June 18, 2024 and July 2, 2024, a portion of those findings expressly listed as follows:

- a. The portion of the right-of-way to be vacated is not in use by the surrounding property owners and is not used for its dedicated public purpose as a public highway.
- b. Alternate routes are not necessary. The right-of-way is not used by surrounding property owners and there will be no adverse impacts to the surrounding area due to the vacation of the right-of-way.
- c. The right-of-way to be vacated is a dead-end street with its only connection to another right-of-way being Prospect Road to the south. The right-of-way vacation eliminates the dead-end condition and therefore eliminates the need for vehicles to turn around and exit the area.
- d. The applicant has obtained letters of no objection with conditions from franchise utilities and the City's Public Works Department. The City conditions the approval of the vacation of right-of-way on to address the requests from the utilities including requiring the Applicant to grant a utility and access easement over the vacated right-of-way.

SECTION 2. That the public right-of-way located west of Northwest 31st Avenue, north of Prospect Road, east of State Road 7 and south of West Cypress Creek Road (Northwest 62nd Street), as more particularly described in Exhibit "A" attached hereto, is hereby vacated, abandoned, and closed and shall no longer constitute a public right-of-way, subject to conditions listed on Exhibit "B" attached hereto and incorporated herein.

SECTION 3. That a copy of this Ordinance shall be recorded in the Public Records of Broward County by the City Clerk within 30 days from the date of final passage.

SECTION 4. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 5. That all ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 6. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

SECTION 7. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 8. That this Ordinance shall be in full force and effect upon the recordation in the public records of Broward County, Florida, of a certificate executed by the City Engineer evidencing that all conditions listed on Exhibit "B" attached hereto have been met. The applicant shall provide a copy of the recorded certificate to the City.

PASSED FIRST READING this 18th day of June, 2024.
PASSED SECOND READING this _____ day of _____, 2024.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

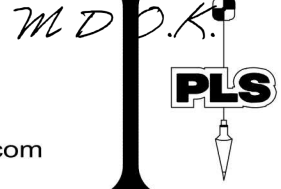


SKETCH AND LEGAL DESCRIPTION

BY **PULICE LAND SURVEYORS, INC.**

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • E-MAIL: surveys@pulicelandsurveyors.com
CERTIFICATE OF AUTHORIZATION LB#3870



LEGAL DESCRIPTION (UTILITY EASEMENT & INGRESS /EGRESS EASEMENT (PRIVATE)):

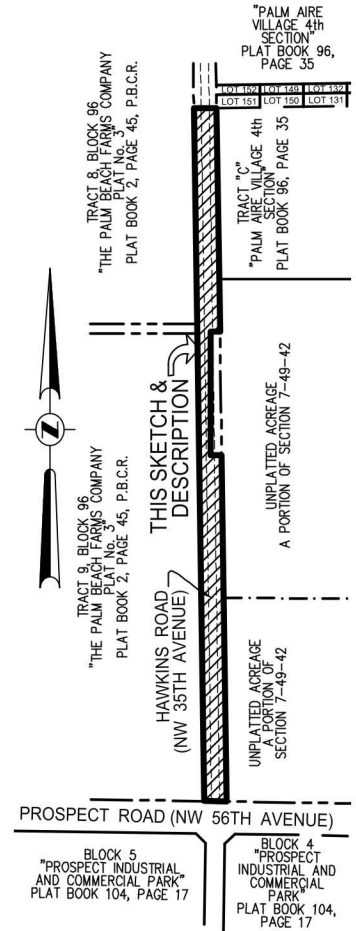
A PORTION OF TRACTS 8 AND 9, BLOCK 96, "THE PALM BEACH FARMS COMPANY PLAT NO. 3", AS SHOWN IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THE 25-FOOT RIGHT-OF-WAY AS DEDICATED BY SAID PLAT BOOK 2, PAGE 45, LYING ADJACENT TO AND EASTERLY OF SAID TRACTS 8 AND 9, TOGETHER WITH A PORTION OF THAT CERTAIN 22.50 FOOT RIGHT-OF-WAY PER OFFICIAL RECORDS BOOK 6411, PAGE 294 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THAT CERTAIN 45.00 FOOT RIGHT-OF-WAY PER OFFICIAL RECORDS BOOK 1743, PAGE 577 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, ALL LYING IN THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 7, TOWNSHIP 49 SOUTH, RANGE 42 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT "C", PALM AIRE VILLAGE 4TH SECTION", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 96, PAGE 35, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTH 00°51'00" EAST ALONG THE WEST LINE OF SAID TRACT "C", THE SOUTHERLY EXTENSION THEREOF AND ALONG THE EAST LINE OF SAID 22.50 FOOT RIGHT-OF-WAY PER OFFICIAL RECORDS BOOK 6411, PAGE 294 FOR 687.83 FEET; THENCE SOUTH 89°59'32" WEST 27.69 FEET; THENCE SOUTH 00°04'49" WEST 380.16 FEET; THENCE NORTH 90°00'00" EAST 33.86 FEET TO A POINT ON THE EAST LINE OF THE EAST 22.50 FOOT RIGHT-OF-WAY OF SAID OFFICIAL RECORDS BOOK 1743, PAGE 577; THENCE SOUTH 00°51'00" EAST ALONG SAID EAST LINE 1065.06 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF WEST PROSPECT ROAD (NW 56TH AVENUE); THENCE NORTH 89°07'55" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE 70.03 FEET TO A POINT ON A LINE LYING 22.50 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 8 AND 9 THE SAME BEING THE WEST LINE OF THE WEST 22.50 FOOT RIGHT-OF-WAY OF SAID OFFICIAL RECORDS BOOK 1743, PAGE 577; THENCE NORTH 00°51'00" WEST ALONG SAID PARALLEL LINE AND ALONG SAID WEST LINE, 2131.15 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT "C"; THENCE NORTH 89°16'32" EAST ALONG SAID WESTERLY EXTENSION 70.00 FEET TO THE **POINT OF BEGINNING**.

SAID LANDS LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND CONTAINING 137,549 SQUARE FEET (3.158 ACRES), MORE OR LESS.

NOTES:

1. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR AN ELECTRONIC SIGNATURE AND ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. BEARINGS ARE BASED ON STATE PLANE COORDINATES AND ARE RELATIVE TO THE NORTH AMERICAN DATUM OF 1983 WITH THE 2011 ADJUSTMENT, FL-E ZONE, WITH THE WEST LINE OF TRACT "C" BEING S00°51'00"E
3. THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
4. ALL RECORDED DOCUMENTS ARE PER BROWARD COUNTY COUNTY PUBLIC RECORDS, UNLESS OTHERWISE NOTED.



VICINITY MAP
NOT TO SCALE

CLIENT: KIEWIT WATER FACILITIES FLORIDA CO.

SCALE: N/A

DRAWN: M.M.M.

ORDER NO.: 72382

DATE: 2/2/24; REV. 3/26/24; 5/8/24

UTILITY EASEMENT & INGRESS/EGRESS EASEMENT (PRIVATE)

FORT LAUDERDALE

BROWARD COUNTY, FLORIDA

SHEET 1 OF 2

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2

John F.

Digitally signed by John F. Pulice, PSM

Pulice, PSM

Date: 2024.05.14 11:26:06 -04'00'

- JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
 - VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
 - MICHAEL M. MOSSEY, PROFESSIONAL SURVEYOR AND MAPPER PSM5660
- STATE OF FLORIDA
CAM # 24-0643



SKETCH AND LEGAL DESCRIPTION

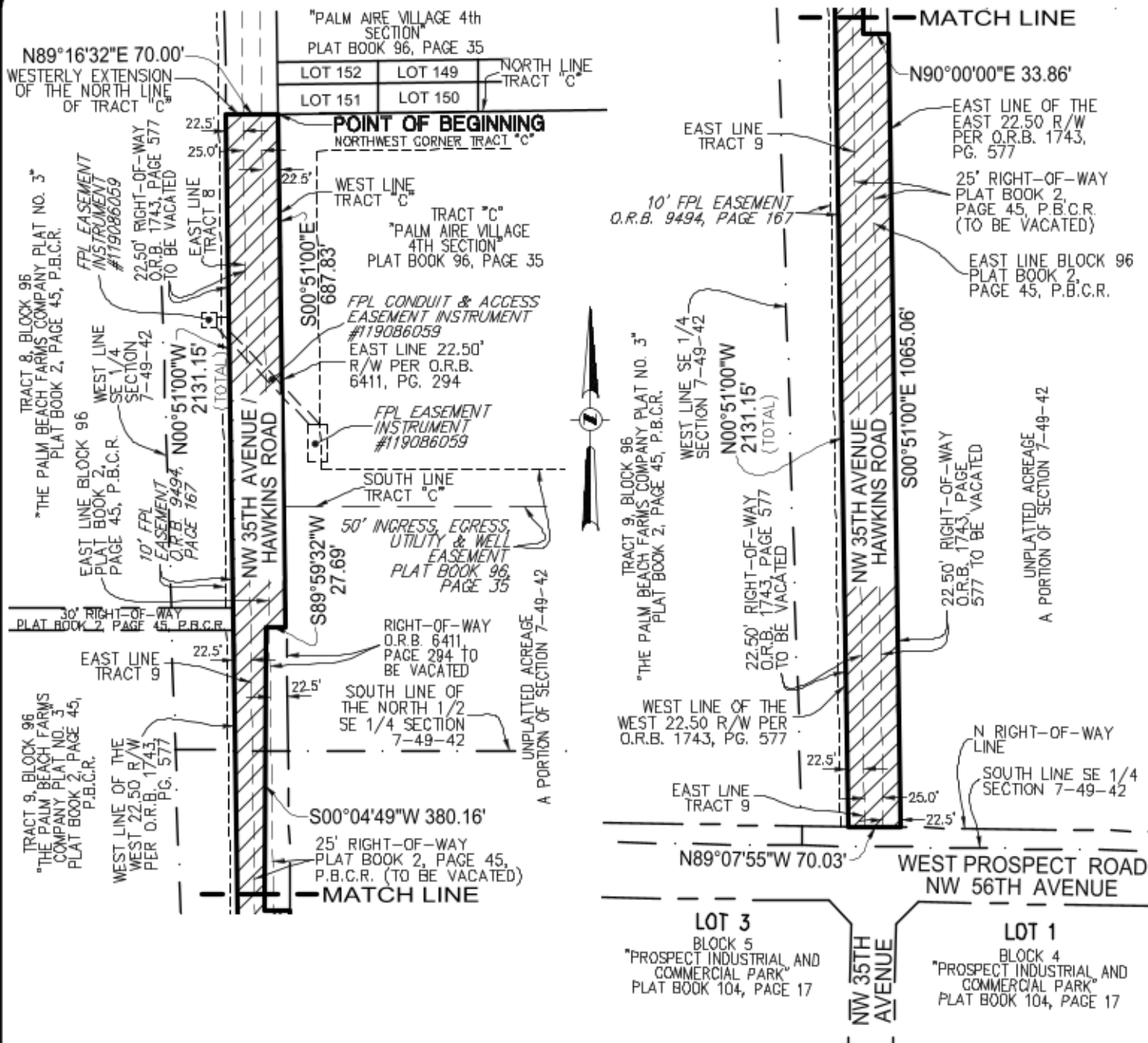
BY **PULICE LAND SURVEYORS, INC.**

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CERTIFICATE OF AUTHORIZATION LB#3870

M.D.O.R.



CLIENT: KIEWIT WATER FACILITIES FLORIDA CO.
 SCALE: 1" = 200' DRAWN: M.M.M.
 ORDER NO.: 72382
 DATE: 2/2/24; REV. 3/26/24; 5/8/24
 UTILITY EASEMENT & INGRESS/EGRESS EASEMENT (PRIVATE)
 FORT LAUDERDALE
 BROWARD COUNTY, FLORIDA

SHEET 2 OF 2 THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2

LEGEND & ABBREVIATIONS:

- A ARC LENGTH
- CA CENTRAL ANGLE
- FPL FLORIDA POWER AND LIGHT COMPANY
- O.R.B. OFFICIAL RECORDS BOOK
- P.B.C.R. PALM BEACH COUNTY RECORDS
- R RADIUS
- 7-49-42 SECTION-TOWNSHIP-RANGE

EXHIBIT "B"

**CONDITIONS OF APPROVAL
CASE NO. UDP-V23007**

1. Applicant shall provide a surveyed legal description and sketch of the new public utility easement area in a substantially similar form to the drawing attached as Exhibit 3 to CAM 24-0643 to be approved by City staff.
2. The surveyed legal and sketch area of the public utility easement of Exhibit 3 and plat language of Exhibit 8 to CAM 24-0643 shall be placed on the plat submitted for Case UDP-P23004.
3. The surveyed legal and sketch area of the public utility easement of Exhibit 3 to CAM 24-0643 overlapping the public right-of-way shall be vacated upon plat approval of Case UDP-P23004 and final recordation.
4. The public right of way less the surveyed legal and sketch area of the public utility easement of Exhibit 3 to CAM 24-0643 shall be vacated upon City Commission approval, provided applicant has placed the surveyed legal description and sketch of the public utility easement area and plat language on the plat submitted for Case UDP-P23004.
5. The vacating ordinance shall be in full force and effect on the date a certificate, executed by the City Engineer, is recorded in the public records of Broward County, Florida. The certificate shall state that all conditions of the vacation have been met. A copy of the recorded certificate must be provided to the City.