

RESOLUTION NO. 17-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS EASEMENT, RECORDED INSTRUMENT NUMBER 112770300, BROWARD COUNTY RECORDS, IN BLOCK 41, "FORT LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK "B", PAGE 40, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, LOCATED WEST OF SOUTH ANDREWS AVENUE, NORTH OF SOUTHWEST 5TH STREET, EAST OF SOUTHWEST 1ST AVENUE AND SOUTH OF SOUTH NEW RIVER DRIVE.

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WHEREAS, under the provisions of Section 47-24.7 of the City of Fort Lauderdale, Florida Unified Land Development Regulations (hereinafter "ULDR"), New River III, LLC, is applying for the vacation of a 20-foot wide by 159-foot long pedestrian and vehicular ingress and egress easement (PZ Case No. E16010) more fully described in Section 1, below associated with the development known as the New River Yacht Club; and

WHEREAS, pursuant to the provisions of the aforementioned Section 47-24.7 of the ULDR, all utilities known to have an interest have been notified and have no objection to the vacation of the easement; and

WHEREAS, the City Engineer has certified that there is no objection to the vacation; and

WHEREAS, the Department of Sustainable Development has made the required reports and has also recommended the vacation of the easement, certifying that the same will not be required to serve the property;

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

SECTION 1. That the below described easement is hereby vacated and shall no longer constitute an easement for ingress and egress, subject to the conditions provided in SECTION 2 of this resolution:

A PORTION OF LOTS 1 AND 2; AND A PORTION OF THAT CERTAIN 14-FOOT PLATTED ALLEY (NOW VACATED) LYING EASTERLY AND ADJACENT TO SAID LOT 1, BLOCK 41, TOWN OF FORT LAUDERDALE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "B", PAGE 40, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, FLORIDA

More particularly described in Exhibit "A" attached.

Location: West of South Andrews Avenue, north of S.W. 5<sup>th</sup> Street, east of S.W. 1<sup>st</sup> Avenue and south of South New River Drive.

SECTION 2. That the vacation of the easement shall not be effective until the applicant demonstrates compliance with the following conditions:

1. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department; and
2. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider; and
3. Applicant shall dedicate a new 20-foot access easement so the existing alley is not interrupted, which will divert vehicles to S.W. 1<sup>st</sup> Avenue, preventing a dead-end; and
4. The vacating resolution 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

Engineer's Certificate must be provided to the City prior to Certificate of Occupancy on the Development site.

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

SECTION 4. 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 5. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

ADOPTED this the \_\_\_\_ day of \_\_\_\_\_, 2017.

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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

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City Clerk  
JEFFREY A. MODARELLI



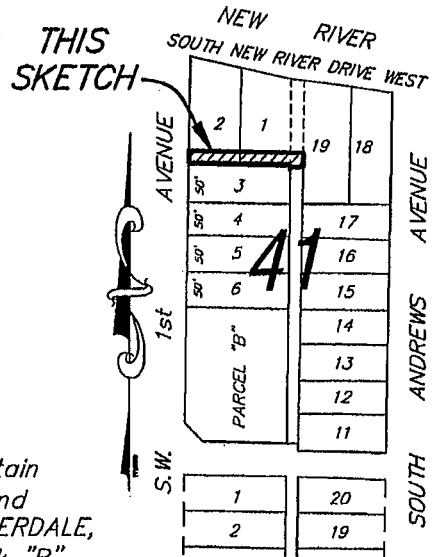
**McLAUGHLIN ENGINEERING COMPANY**  
**LB#285**

ENGINEERING \* SURVEYING \* PLATTING \* LAND PLANNING  
1700 N.W 64th STREET, SUITE 400 FORT LAUDERDALE, FLORIDA 33309  
PHONE (954) 763-7611 \* FAX (954) 763-7615

M.D.  
O.K.

**SKETCH AND DESCRIPTION  
TO ACCOMPANY VACATION PETITION  
NEW RIVER YACHT CLUB  
PEDESTRIAN AND VEHICULAR  
INGRESS AND EGRESS EASEMENT  
(INSTRUMENT #112770300, B.C.R.)  
IN BLOCK 41,  
TOWN OF FORT LAUDERDALE  
SHEET 1 OF 2 SHEETS**

**EXHIBIT 'A'**



**SITE LAYOUT  
NOT TO SCALE**

**LEGAL DESCRIPTION:**

A portion of Lots 1 and 2; AND a portion of that certain 14.00 foot platted Alley (Now Vacated) lying Easterly and adjacent to said Lot 1, Block 41, TOWN OF FORT LAUDERDALE, according to the plat thereof, as recorded in Plat Book "B", Page 40, of the public records of Dade County, Florida, restricted to a height of .16.00 feet above finished grade, All more fully described as follows:

Commencing at the Southwest corner of Lot 2; thence North 00°00'00" East, on the West line of said Lot 2, a distance of 2.99 feet; thence North 89°59'55" East, a distance of 145.00 feet; thence South 00°00'00" East, on the East line of said Lot 1, a distance of 4.08 feet to the Southeast corner of said Lot 1; thence South 89°34'00" East, on the Easterly extension of the South line of said Lot 1, a distance of 14.00 feet; thence North 00°00'00" East, on the West line of Lot 19 of said Block 41, a distance of 24.19 feet; thence South 89°59'55" West, a distance of 159.00 feet; thence South 00°00'00" East, on the West line of said Lot 2, a distance of 20.00 feet to the Point of Beginning.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 3,238 square feet or 0.0743 acres more or less.

**CERTIFICATION**

Certified Correct. Dated at Fort Lauderdale, Florida this 11th day of March, 2016.

McLAUGHLIN ENGINEERING COMPANY

JAMES M. McLAUGHLIN JR.  
Registered Land Surveyor No. 4497  
State of Florida.

**NOTES:**

- 1) This sketch reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Legal description prepared by McLaughlin Engineering Co.
- 3) This drawing is not valid unless sealed with an embossed surveyors seal.
- 4) THIS IS NOT A BOUNDARY SURVEY.
- 5) Bearings shown assume the East line of said Lot 18, as North 00°00'00" East.

FIELD BOOK NO. \_\_\_\_\_

DRAWN BY: JMMjr

JOB ORDER NO. V-1259

CHECKED BY: \_\_\_\_\_

REF. DWG.: 00-3-045

C: \JMMjr/2016/V1259 (VACATION)



**McLAUGHLIN ENGINEERING COMPANY**  
**LB#285**

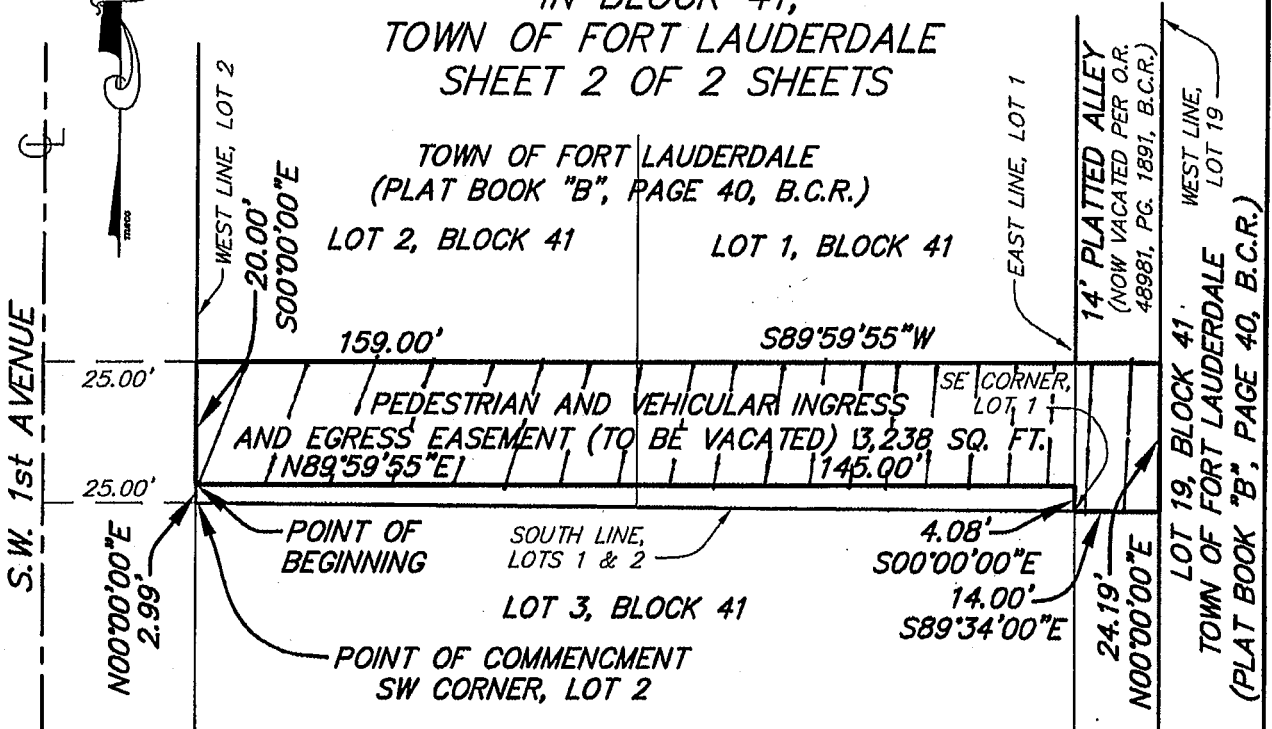
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m-d  
 o.k.

SCALE 1" = 30'

**EXHIBIT "A"**

**SKETCH AND DESCRIPTION  
 TO ACCOMPANY VACATION PETITION  
 NEW RIVER YACHT CLUB  
 PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS  
 EASEMENT (INSTRUMENT #112770300, B.C.R.)  
 IN BLOCK 41,  
 TOWN OF FORT LAUDERDALE  
 SHEET 2 OF 2 SHEETS**



**LEGAL DESCRIPTION:**

A portion of Lots 1 and 2; AND a portion of that certain 14.00 foot platted Alley (Now Vacated) lying Easterly and adjacent to said Lot 1, Block 41, TOWN OF FORT LAUDERDALE, according to the plat thereof, as recorded in Plat Book "B", Page 40, of the public records of Dade County, Florida,, more fully described on Sheet 1 of 2 Sheets.

**CERTIFICATION**

Certified Correct. Dated at Fort Lauderdale, Florida this 11th day of March, 2016.

McLAUGHLIN ENGINEERING COMPANY

*J. M. McLaughlin Jr.*  
 JAMES M. McLAUGHLIN JR.  
 Registered Land Surveyor No. 4497  
 State of Florida.

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- 2) Legal description prepared by McLaughlin Engineering Co.
- 3) This drawing is not valid unless sealed with an embossed surveyors seal.
- 4) THIS IS NOT A BOUNDARY SURVEY.
- 5) Bearings shown assume the West line of Lots 11 to 17, as North 00°00'00" East.

FIELD BOOK NO. \_\_\_\_\_

DRAWN BY: JMMjr

JOB ORDER NO. V-1259

CHECKED BY: \_\_\_\_\_

REF. DWG.: 00-3-045

C: \JMMjr\2016\V1259 (VACATION)