

ORDINANCE NO. C-20-32

AN ORDINANCE VACATING THAT PORTION OF SOUTHEAST 4TH AVENUE (PLATTED AS PERKINS AVENUE), A 50.00 FOOT ROAD RIGHT-OF-WAY LYING WEST OF AND ADJACENT TO LOT 13, BLOCK 1, "LAUDERDALE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 9 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND RETAINING A 50.00 FOOT PUBLIC UTILITY EASEMENT AND A 24.00 FOOT PUBLIC PEDESTRIAN ACCESS EASEMENT LOCATED NORTH OF THE TARPON RIVER, SOUTH OF SOUTHEAST 9TH COURT, EAST OF SOUTHEAST 3RD AVENUE AND WEST OF FEDERAL HIGHWAY (U.S. 1), ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, Initech Properties, LLC, applied for the vacation of a public right-of-way more particularly described in Composite Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the Planning and Zoning Board, at its meeting of May 20, 2020 (PZ Case No. V19007), 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 subject as more particularly described and shown on Composite 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, September 15, 2020, and Tuesday, October 6, 2020, at 6:00 o'clock P.M. in the City Commission Room, City Hall, Fort Lauderdale, Florida, for the purpose of hearing any public comment to the vacation of the right-of-way; and

WHEREAS, such public hearing was 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;

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 meeting of May 20, 2020, a portion of those findings expressly listed as follows:

- a. The right-of-way is not needed for public purposes. At this location, SE 4th Avenue dead-ends into the Tarpon River. The right-of-way is not used for pedestrian or vehicular traffic. The applicant is proposing to improve this section of SE 4th Avenue to create an improved pedestrian experience to the waterway and is proposing to grant a public access easement over the vacated right-of-way for the public to enjoy the improved views and streetscape.
- b. The right-of-way is a dead-end and is not used for vehicular or pedestrian traffic. Therefore, no alternate routes are needed.
- c. If the right-of-way is vacated, vehicles will be able to travel south on SE 4th Avenue and turn east on SE 9th Court to exit the area. The right-of-way to be vacated is already a dead-end street.
- d. Pedestrian traffic will not be affected by the vacation of the right-of-way. Sidewalks do not currently exist in the area proposed to be vacated, and the right-of-way is not used for through-travel.
- e. Applicant has obtained letters of no objection from the franchise utilities and the City's Public Works Department. Applicant will relocate all utilities to the satisfaction of the respective utility owners or will grant an easement over the existing right-of-way for the utilities that will remain.

SECTION 2. That the public right-of-way located north of the Tarpon River, south of Southeast 9th Court, east of Southeast 3rd Avenue and west of Federal Highway (U.S. 1), as more particularly described in Composite 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 50.00 foot public utility easement and a 24.00 foot public pedestrian access easement, as more particularly described in Composite Exhibit "A" attached hereto, is reserved and retained over the right-of-way that is to be vacated.

SECTION 4. 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 5. 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 6. That all ordinances or parts of ordinances in conflict herewith, are hereby repealed.

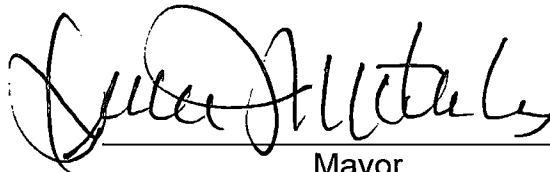
SECTION 7. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain 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 8. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 9. 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 15th day of September, 2020.

PASSED SECOND READING this 6th day of October, 2020.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI



L.B. 7551

3460 FAIRLANE FARMS ROAD, SUITE 6, WELLINGTON, FL. 33414 MD OK

SKETCH & LEGAL DESCRIPTION VACATION OF PORTION OF RIGHT-OF-WAY

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF S.E. 4th AVENUE, A 50-FOOT ROAD RIGHT OF WAY, IN THE S.E. ONE-QUARTER (S.E. 1/4) OF SECTION 10, TOWNSHIP 50 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, BOUNDED ON THE NORTH BY THE WESTERLY EXTENSION OF LOT 13, BLOCK 1, LAUDERDALE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 9, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, ON THE SOUTH BY THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 13, BLOCK 1, ON THE EAST BY THE CENTER LINE OF S.E. 4th AVENUE, AND ON THE WEST BY THE EAST LINE OF LOTS 4, 5 AND PORTIONS OF LOTS 3 AND 6, BLOCK 2, LAUDERDALE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 9, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. SAID PARCEL OF LAND SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA, CONTAINING APPROXIMATELY 3,363 SQUARE FEET.

LEGEND:

- D.C.R. DADE COUNTY RECORDS
P.B. PLAT BOOK
PG. PAGE
C CENTERLINE
R/W RIGHT OF WAY
LT LINE NUMBER
(P) PER PLAT DATA
- 24' PUBLIC ACCESS EASEMENT
- UTILITY EASEMENT
RIGHT OF WAY TO BE RETAINED AS UTILITY EASEMENT.

LOT 3, BLOCK 2
LAUDERDALE
P.B. 2, PG. 9, D.C.R.

WESTERLY EXTENSION
OF THE NORTH LINE
OF LOT 13, BLOCK 1

LOT 4, BLOCK 2
LAUDERDALE
P.B. 2, PG. 9, D.C.R.

LOT 5, BLOCK 2
LAUDERDALE
P.B. 2, PG. 9, D.C.R.

LOT 6, BLOCK 2
LAUDERDALE
P.B. 2, PG. 9, D.C.R.

WESTERLY EXTENSION
OF THE SOUTH LINE
OF LOT 13, BLOCK 1

16' ALLEY (P)
S.E. 9th COURT
16' R/W PER
P.B. 2, PG. 9, D.C.R.
N 88°24'29" E 55.00'
NORTH LINE
OF LOT 13,
BLOCK 1

NOT IN
EASEMENT

LOT 13, BLOCK 1
LAUDERDALE
P.B. 2, PG. 9, D.C.R.

SOUTH LINE
OF LOT 13,
BLOCK 1
S 88°24'29" W 55.00'

TARPON RIVER
2nd STREET (P)
50' RIGHT OF WAY PER
P.B. 2, PG. 9, D.C.R.

SCALE: 1" = 30'



GRAPHIC SCALE

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 01°29'51" E	134.50'
L2	S 88°24'29" W	25.00'
L3	N 01°29'51" W	134.50'
L4	N 88°24'29" E	25.00'

CERTIFICATE:

THIS IS TO CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. FURTHER CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.07, FLORIDA STATUTES.

REVISIONS DATE BY

EDIT SKETCH & LEGAL DESC. 05/01/19 J.E.C.

REVISIONS S&D 09/09/20 J.E.C.

DATE OF SKETCH: 09/09/20 DRAWN BY: J.E.C. CHECKED BY: J.D.L.R. FIELD BOOK: N/A

JAVIER DE LA ROCHA

PROFESSIONAL SURVEYOR AND MAPPER NO. 6080 - STATE OF FLORIDA

Digitally signed by
Javier De La Rocha
Date: 2020.09.09
16:57:53-04'00'

SHEET 1 OF 1

COMPOSITE EXHIBIT "A"



3460 FAIRLANE FARMS ROAD, SUITE 6, WELLINGTON, FL. 33414 MD OK

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RIGHT OF WAY TO BE
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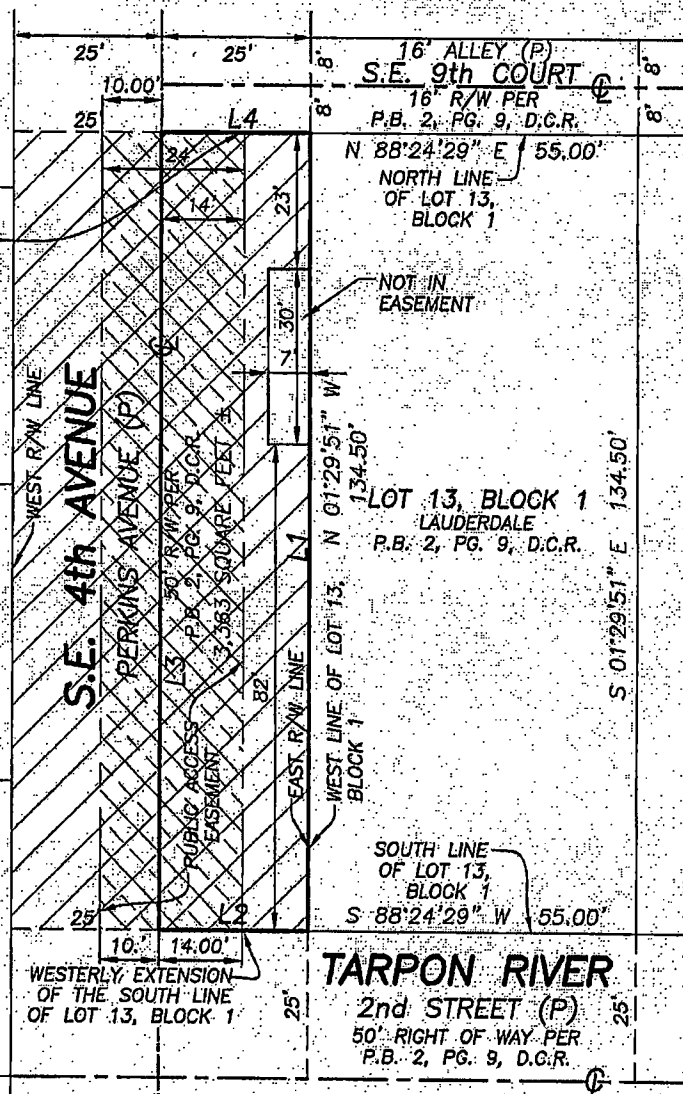
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LAUDERDALE
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WESTERLY EXTENSION
OF THE NORTH LINE
OF LOT 13, BLOCK 1

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REVISIONS

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REVISIONS S&D 09/09/20 J.E.C.

DATE OF SKETCH: 09/09/20 DRAWN BY: J.E.C. CHECKED BY: J.D.L.R. FIELD BOOK: N/A

JAVIER DE LA ROCHA

PROFESSIONAL SURVEYOR AND MAPPER NO. 6080 - STATE OF FLORIDA

Digitally signed by

Javier De La Rocha

Date: 2020.09.09

16:59:53 -04'00'

SHEET 1 OF 1

COMPOSITE EXHIBIT "A"

EXHIBIT "B"

**CONDITIONS OF APPROVAL
CASE NO. V19007**

1. All utilities located within the vacated right-of-way may remain within a utilities easement retained over the right-of-way area or portion thereof; or an easement in a different location shall be provided for the utility facilities by the owner to the satisfaction of the City; or all utilities located within the vacated right-of-way shall be relocated pursuant to a relocation plan; or any combination of same and utilities maintenance shall not be disrupted.
2. 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.