

ORDINANCE NO. C-25-17

AN ORDINANCE VACATING A PORTION OF THAT CERTAIN 40-FOOT RIGHT OF WAY LYING BETWEEN BLOCKS 251 AND 252, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED WEST OF NORTHEAST 7TH AVENUE, NORTH OF NORTHEAST 8TH STREET (SANDY NININGER DRIVE), EAST OF NORTH FEDERAL HIGHWAY (US 1) AND SOUTH OF NORTHEAST 9TH STREET, ALL SAID LANDS 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 February 19, 2025 (PZ Case No. UDP-V24001), 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 before the City Commission on Tuesday, April 15, 2025, at 6:00 o'clock P.M., and Tuesday, May 6, 2025, at 6:00 o'clock P.M., or as soon thereafter as possible, at the Broward Center for the Performing Arts, Mary N. Porter Riverview Ballroom, 201 Southwest 5th Avenue, 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;

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 April 15, 2025 and May 6, 2025, a portion of those findings expressly listed as follows:

a. The right-of-way is no longer needed for public purpose because it is not used to access surrounding properties. Access to NE 9th Street can be reached via N. Federal Highway/US 1. Southbound access from NE 6th Terrace to NE 8th Street is limited due to the landscaped median which prevents eastbound traffic on NE 8th Street.

b. Alternate routes are not necessary as the right-of-way is not used by surrounding properties. There will be no adverse impacts to the surrounding area.

c. The right-of-way vacation will not affect the ability to exit the area.

d. There are no pedestrian facilities in the right-of-way and therefore, pedestrian traffic will not be impacted.

e. The applicant has obtained letters of no objection from the franchise utilities and the City's Public Works Department. Public Works has requested that a utility easement is retained on the northern portion of NE 6th Terrace adjacent to 850 N. Federal Highway where there is an existing service use. In addition, the applicant must construct a new manhole within the vacated area and provide plans showing the relocation or removal of the existing gravity sewer line outside of the proposed utility easement for continuity of service to the property located at 850 N. Federal Highway.

SECTION 2. That the public right-of-way located west of Northeast 7th Avenue, north of Northeast 8th Street (Sandy Nininger Drive), east of North Federal Highway (US 1) and south of Northeast 9th 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 "C" attached hereto and incorporated herein.

SECTION 3. That a twenty foot (20') public sanitary sewer easement, as more particularly described in Exhibit "B" attached hereto, is reserved and retained over a portion of 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.

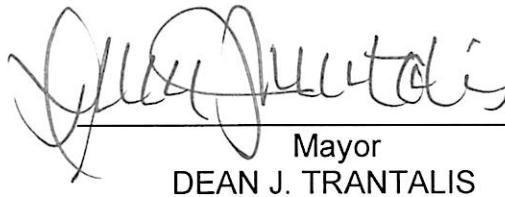
SECTION 7. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain 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 "C" 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 April, 2025.

PASSED SECOND READING this 6th day of May, 2025.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN

**SKETCH & LEGAL DESCRIPTION
RIGHT-OF-WAY VACATION – NE 6TH TERRACE
YMCA – HOLIDAY PARK, FORT LAUDERDALE, BROWARD COUNTY, FLORIDA**

A parcel of land being a portion of the right-of-way for NE 6th Terrace, said right-of-way lying between Block 251 and Block 252, of PROGRESSO, according to the plat thereof, as recorded in Plat Book 2, Page 18, of the Public Records of Dade County, Florida, said parcel being more particularly described as follows:

BEGIN at the Northwest Corner of said Block 251, said point also being on the East right-of-way line of said NE 6th Terrace and on the South right-of-way line of N.E. 9th Street;

THENCE on an assumed bearing of S 00°00'00" E along the said East right-of-way line of NE 6th Terrace, a distance of 525.00 feet to the North right-of-way line of NE 8th Street;

THENCE S 90°00'00" W along the said North right-of-way line of NE 8th Street, a distance of 40.00 feet to the West right-of-way line of said NE 6th Terrace;

THENCE N 00°00'00" W along the said West right-of-way line of NE 6th Terrace, a distance of 525.00 feet to the said South right-of-way line of NE 9th Street;

THENCE N 90°00'00" E along the said South right-of-way line of NE 9th Street, a distance of 40.00 feet to the POINT OF BEGINNING;

Said land situate within Fort Lauderdale, Broward County, Florida containing 0.482 Acres, more or less.

NOTES:

1. Lands described hereon were not abstracted and rights-of-way as shown hereon are per a diligent search of the recorded plats of the Public Records of Broward County, Florida.
2. The legal description shown hereon was prepared by Calvin, Giordano & Associates, Inc.
3. Bearings shown hereon are assumed and referenced to the South right-of-way line of NE 9th Street, having a bearing of N 90°00'00" E.
4. The description contained herein does not represent a field boundary survey.

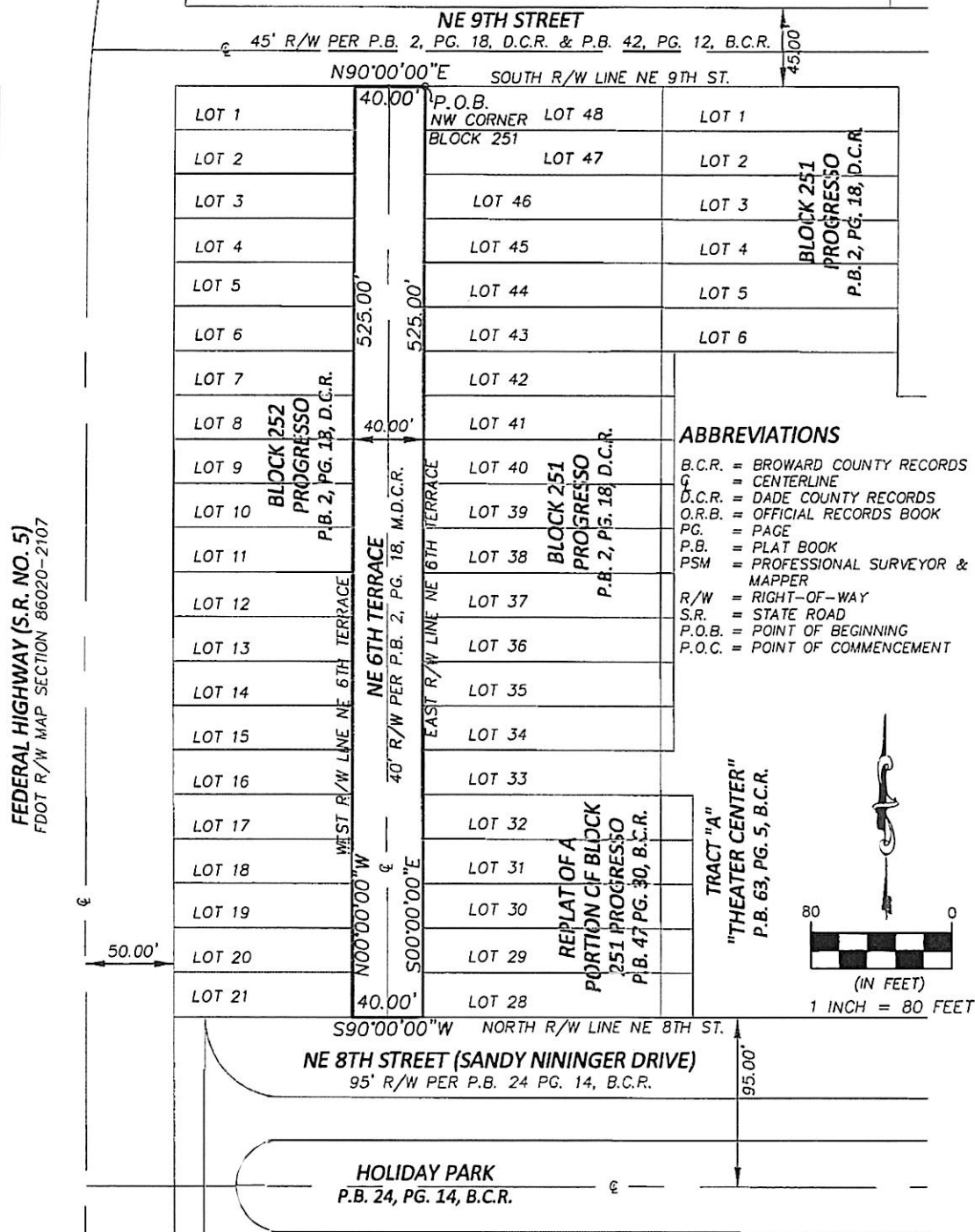
CALVIN, GIORDANO AND ASSOCIATES, INC.



Steven M. Watts
Professional Surveyor and Mapper
Florida Registration Number PSM 4588



TRACT "B"
"RESUBDIVISION OF PORTION OF BLOCKS 217 AND 218 PROGRESSO"
 P.B. 42, PG. 12, B.C.R.



THIS IS NOT A SURVEY



Calvin, Giordano & Associates, Inc.
 A SURVEYOR COMPANY
 1600 Flier Drive, Suite 600 Fort Lauderdale, FL 33316
 Phone: 561-921-0781 • Fax: 561-921-0807

Certificate of Authorization 6781

SKETCH & LEGAL DESCRIPTION
RIGHT-OF-WAY VACATION - NE 6TH TERRACE
YMCA-HOLIDAY PARK,
FORT LAUDERDALE, BROWARD COUNTY, FL

SCALE
1" = 80'
 DATE
10/4/21

PROJECT No.
04-4723
 CAD FILE

SHEET
3 OF 3

EXHIBIT B
SKETCH & LEGAL DESCRIPTION
20 FT. SANITARY EASEMENT – NE 6TH TERRACE
YMCA – HOLIDAY PARK, FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

A strip of land 20.00 feet in width being a portion of the right-of-way for NE 6th Terrace, PROGRESSO, according to the plat thereof, as recorded in Plat Book 2, Page 18, of the Public Records of Dade County, Florida, the centerline of said strip being more particularly described as follows:

COMMENCE at the Northwest Corner of said Block 251, said point also being on the East right-of-way line of said NE 6th Terrace and on the South right-of-way line of N.E. 9th Street;

THENCE on an assumed bearing of S 90°00'00" W along the said South right-of-way line of NE 9th Street; a distance of 20.00 feet to the centerline of said NE 6th Terrace, said point being the POINT OF BEGINNING;

THENCE S 00°00'00" E along the said centerline of NE 6th Terrace, a distance of 100.00 feet to the POINT OF TERMINATION.

Said land situate within Fort Lauderdale, Broward County, Florida containing 2000 square feet, more or less.

NOTES:

1. Lands described hereon were not abstracted and rights-of-way as shown hereon are per a diligent search of the recorded plats of the Public Records of Broward County, Florida.
2. The legal description shown hereon was prepared by Calvin, Giordano & Associates, Inc.
3. Bearings shown hereon are assumed and referenced to the South right-of-way line of NE 9th Street, having a bearing of S 90°00'00" W.
4. The description contained herein does not represent a field boundary survey.

CALVIN, GIORDANO AND ASSOCIATES, INC.



Steven M. Watts
Professional Surveyor and Mapper
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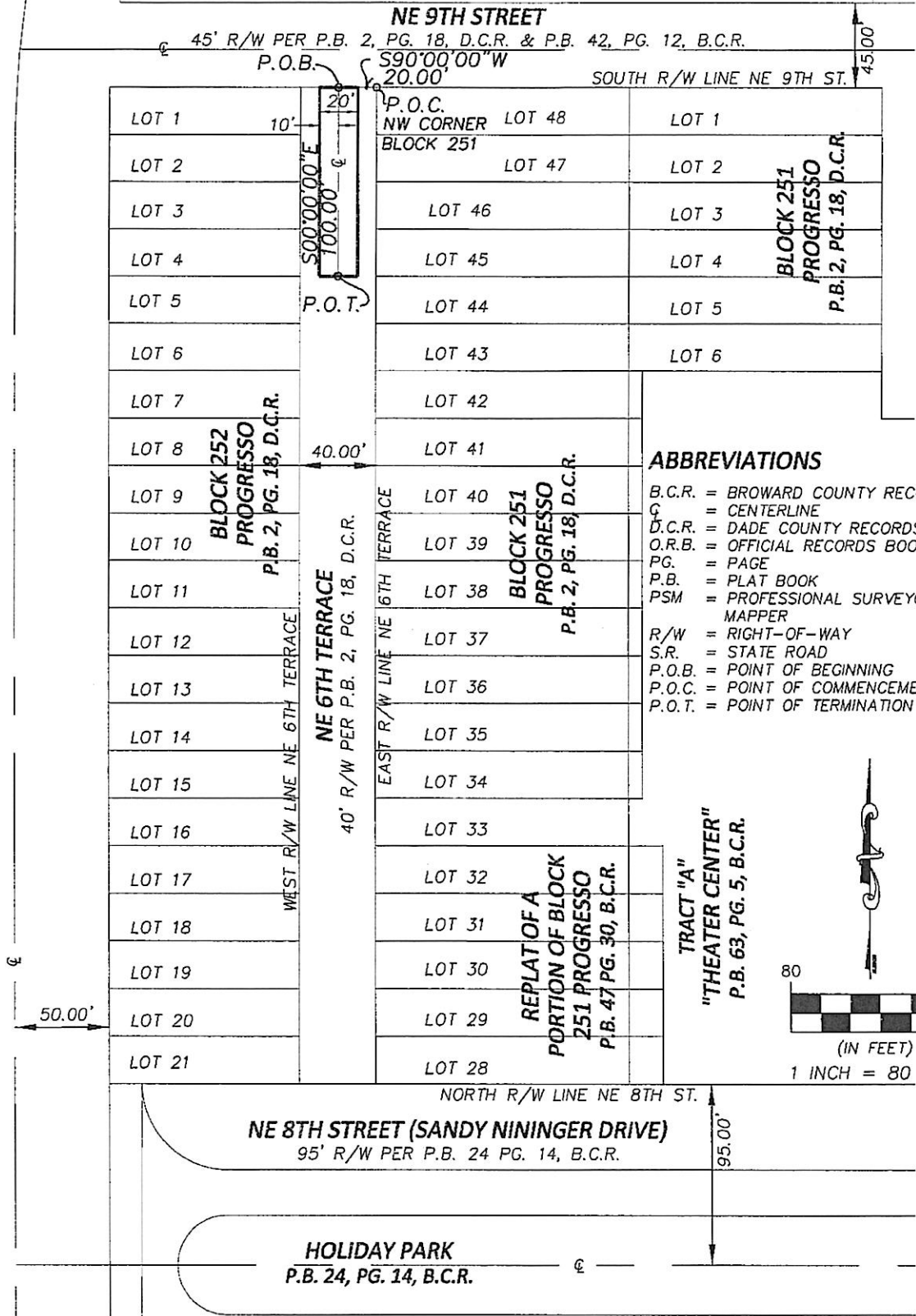


EXHIBIT B

TRACT "B" "RESUBDIVISION OF PORTION OF BLOCKS 217 AND 218 PROGRESSO" P.B. 42, PG. 12, B.C.R.

M.D.O.R.

FEDERAL HIGHWAY (S.R. NO. 5)
FDOT R/W MAP SECTION 86020-2107



THIS IS NOT A SURVEY

EXHIBIT "C"

**CONDITIONS OF APPROVAL
CASE NO. UDP-V24001**

1. The ordinance shall cause to retain a twenty (20) foot public sanitary sewer easement along the centerline of the vacated Northeast 6th Terrace, commencing at the southern right-of-way boundary of Northeast 9th Street, and extending southerly along the centerline for a distance of one hundred (100) feet.
2. Applicant shall construct a new manhole within the vacated area, and provide plans showing the relocation or removal of the existing gravity sewer line outside of the proposed utility easement for continuity of service to the property located at 850 N. Federal Highway (Folio 494234061370).
3. 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.
4. Any other utility infrastructure known or unknown 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.
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. This certificate shall state that all conditions of the vacation have been met. A copy of the recorded certificate must be provided to the City.