

ORDINANCE NO. C-13-51

AN ORDINANCE VACATING, ABANDONING AND CLOSING ALL THAT CERTAIN 10 FOOT PLATTED ALLEY LYING ADJACENT TO LOTS 1 THROUGH 8 INCLUSIVE AND BOUNDED ON THE NORTH BY THE SOUTH RIGHT OF WAY OF NORTHEAST 5<sup>TH</sup> STREET AND BOUNDED ON THE SOUTH BY THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE AFORESAID LOT 8, BLOCK 5, "HOLMBERG & MCKEE'S SUBDIVISION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 112 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED NORTH OF NORTHEAST 4<sup>TH</sup> STREET, EAST OF FEDERAL HIGHWAY, WEST OF NORTHEAST 7<sup>TH</sup> AVENUE AND SOUTH OF NORTHEAST 5<sup>TH</sup> STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, Damon Ricks of Flynn Engineering, P.A., applied for the vacation of certain right-of-way as described in Section 1 herein; and

WHEREAS, the Planning and Zoning Board, at its meeting of October 16, 2013 (PZ Case No. 16-P-13), did recommend to the City Commission of the City of Fort Lauderdale ("City Commission") the vacation of the below-described alley subject to conditions; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, December 17, 2013 and Tuesday, January 7, 2014 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; 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 of Section 47-24.6.A.4 of the Unified Land Development Regulations;

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

SECTION 1. That the below-described right-of-way is hereby vacated, abandoned, and closed and shall no longer constitute a public right-of-way.

See Exhibit "A" attached hereto  
and made a part hereof

Location: South of N.E. 5<sup>th</sup> Street between Federal Highway  
and N.E. 7<sup>th</sup> Avenue

SECTION 2. 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.

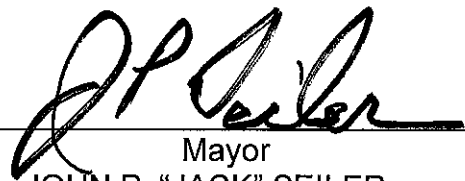
SECTION 3. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.


SECTION 5. That this Ordinance shall be in full force and effect on the date a certificate of the City Engineer is recorded in the public records of Broward County evidencing that all conditions of the vacation listed on Exhibit "B" attached hereto have been satisfied.

PASSED FIRST READING this the 17th day of December, 2013.

PASSED SECOND READING this the 7th day of January, 2014.

  
\_\_\_\_\_  
Mayor  
JOHN P. "JACK" SEILER

ATTEST:

  
\_\_\_\_\_  
City Clerk  
JONDA K. JOSEPH

# SKETCH AND DESCRIPTION

M.D.  
O.K.

**LEGAL DESCRIPTION:**

That portion of the 10.00 foot alley lying adjacent to Lots 1 through 8, Block 5, HOLMBERG & McKEE'S SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 1, Page 112 of the Public Records of Dade County, Florida.

That portion of said 10.00 foot alley being bounded on the North by the South right-of-way line of N.E. 5th Street and bounded on the South by the Westerly extension of the South line of the aforesaid lot 8.

Said lands situate lying and being in the City of Fort Lauderdale, Broward County, Florida. Containing 2,000 square feet more or less.

VD 14

**NOTES:**

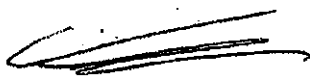
- 1) Bearings shown hereon are based on the South right-of-way line of N.E. 5th Street, with an assumed bearing of North 89°58'21" East.
- 2) This Sketch and Description is not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
- 3) The undersigned and David & Gerchar, Inc., make no representations or guarantees as to the information reflected hereon pertaining to easements, rights-of-way, setback lines, agreements and other matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others through appropriate title verification. Lands shown hereon were not abstracted for rights-of-way and/or easements of record.
- 4) This Sketch and Description consists of two (2) sheets and is not complete without all sheets.

THIS IS NOT A SKETCH OF SURVEY

SHEET 1 OF 2

| REVISIONS                 | DATE     | BY | CKD | FB/PG | <p><b>PORTION OF ALLEY<br/>TO BE VACATED<br/>10' ALLEY ADJACENT<br/>TO LOTS 1 THROUGH 8<br/>BLOCK 5</b></p> |
|---------------------------|----------|----|-----|-------|---|
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| ADD RECORDING INFORMATION | 11/13/13 | RM | TD  | N/A   |   |

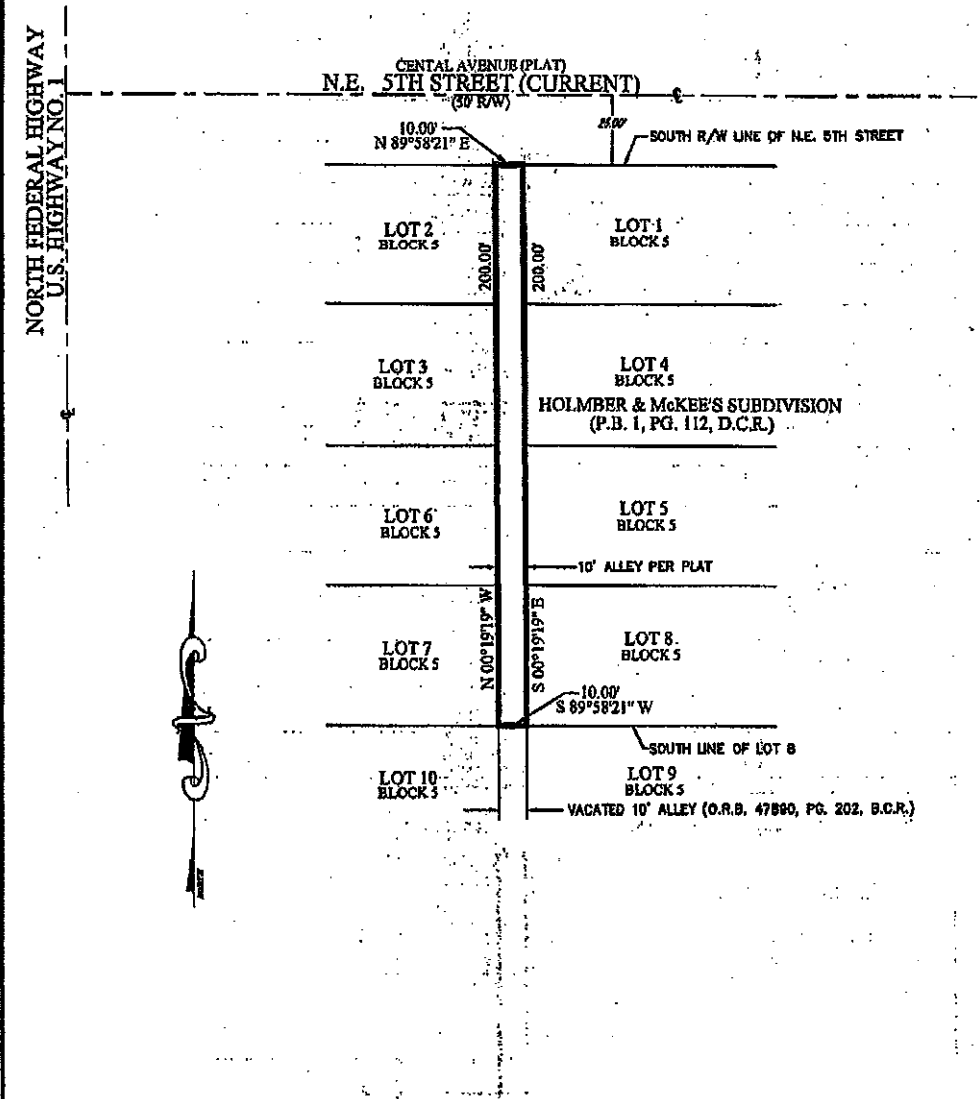
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| <br>THEODORE J. DAVID FOR THE FIRM<br>PROFESSIONAL SURVEYOR AND MAPPER<br>FLORIDA REGISTRATION NO. 5821<br>DAVID & GERCHAR, INC. LB#8935 | SCALE: N/A<br>FB/PG: N/A<br>DRAWN BY: RRM<br>CKD. BY: TD | JOB NO: 13-032<br>CAD. FILE: F:\dwg\08-jobs\08-071<br>DATE: 6/20/13<br>PROJ. FILE: honda | <p><b>DAVID &amp;<br/>GERCHAR, INC.</b></p> <p><b>SURVEYORS AND MAPPERS</b></p> <p>12750 N.W. 40th Street, Bay 1<br/>                 Coral Springs, Florida 33065<br/>                 (954) 340-4025 • Fax: (954) 340-8584</p> |
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# SKETCH AND DESCRIPTION

**LEGEND:**

- P.B. PLAT BOOK
- D.C.R. DADE COUNTY RECORDS
- P.G. PAGE
- C CENTERLINE
- R/W RIGHT-OF-WAY
- B.C.R. BROWARD COUNTY RECORDS
- O.R.B. OFFICIAL RECORDS BOOK

M.D.  
OK



THIS IS NOT A SKETCH OF SURVEY

SHEET 2 OF 2

| REVISIONS | DATE | BY | CKD | FB/PG |
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|---|-----------|----------|-------------|---------------|-----|
| ADD RECORDING INFORMATION   |           | 11/13/13 | RM          | TD            | N/A |
| <p style="text-align: center; font-weight: bold; font-size: 1.2em;">PORTION OF ALLEY<br/>TO BE VACATED<br/>10' ALLEY ADJACENT<br/>TO LOTS 1 THROUGH 8<br/>BLOCK 5</p>   | SCALE:    | 1" = 50' | JOB NO:     | 13-032        |     |
|   | FB/PG:    | N/A      | CAD. FILE:  | 08-job\08-071 |     |
|   | DRAWN BY: | RRM      | DATE:       | 8/20/13       |     |
|   | CKD. BY:  | TD       | PROJ. FILE: | honda         |     |
| <p style="font-size: 2em; font-weight: bold; margin: 0;">DAVID &amp;<br/>GERCHAR, INC.</p> <p style="font-weight: bold; margin: 0;">SURVEYORS AND MAPPERS</p> <p style="font-size: 0.8em; margin: 0;">12750 N.W. 40th Street, Bay 1<br/>Coral Springs, Florida 33065<br/>(954) 340-4025 • Fax: (954) 340-8584</p> |           |          |             |               |     |

**EXHIBIT "B"**

**CONDITIONS OF APPROVAL  
CASE NO. 16-P-13**

1. Applicant conveys a pedestrian and vehicular perpetual access easement from NE 4<sup>th</sup> Street through to NE 5<sup>th</sup> Street, subject to the approval of the City Engineer, in an instrument executed and delivered to the City in recordable form approved by the City Attorney.
2. Any utilities required to be removed, replaced or relocated, shall be done so at the applicant's expense, and as approved by the City Engineer.
3. 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.