

RESOLUTION NO. 17-185

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THE 8-FOOT DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3035, PAGE 586 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BOUNDED ON THE WESTERLY LINE BY LOTS 16 AND 17, BLOCK 2, "HOLLY HEIGHTS", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 60, PAGE 18, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND BOUNDED ON THE EASTERLY LINE BY THE NORTH RIGHT-OF-WAY LINE OF PROGRESSO DRIVE, LOCATED WEST OF PROGRESSO DRIVE, NORTH OF NORTHEAST 13TH STREET AND EAST OF HOLLY HEIGHTS DRIVE, ALL LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, under the provisions of Section 47-24.7 of the Unified Land Development Regulations (hereinafter "ULDR") of the City of Fort Lauderdale, Florida, AALW Properties, LLC, is applying for the vacation of a drainage easement (PZ Case No. E16002) more fully described in Section 1, below associated with the development known as Progresso Self Storage; 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 drainage:

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

Location: West of Progresso Drive, north of N.E. 13th Street
and east of Holly Heights Drive

SECTION 2. That a copy of this Resolution shall be recorded in the Public Records of Broward County, at the applicant's expense, within 30 days from the date of final passage.


SECTION 3. 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 4. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 5. That this vacation 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 set forth below have been satisfied:

- (a) 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.
- (b) 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.

ADOPTED this the 6th day of September, 2017.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JEFFREY A. MODARELLI