

ORDINANCE NO. C-13-40

AN ORDINANCE VACATING, ABANDONING AND CLOSING ALL THAT CERTAIN 10 FOOT PLATTED ALLEY LYING SOUTH OF AND ADJACENT TO LOTS 1 THROUGH 18 INCLUSIVE AND LYING NORTH OF AND ADJACENT TO LOTS 19 THROUGH 36 INCLUSIVE, BLOCK "B" "FORT LAUDERDALE LAND AND DEVELOPMENT COMPANY SUBDIVISION OF BLOCK 6", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 57 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, GENERALLY LOCATED NORTH OF NORTHWEST 3RD STREET, WEST OF NORTHWEST 8TH AVENUE, EAST OF NORTHWEST 9TH AVENUE AND SOUTH OF NORTHWEST 4TH STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, New Mount Olive Baptist Church, Inc., applied for the vacation of certain right-of-way as described in Section 1 herein associated with the development known as New Mount Olive Baptist Church; and

WHEREAS, the Planning and Zoning Board, at its meeting of June 19, 2013 (PZ Case No. 3-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, September 17, 2013 and Tuesday, October 1, 2013 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 alley is hereby vacated, abandoned, and closed and shall no longer constitute a public right-of-way, subject to the public access easement to be conveyed as provided in Section 2 below, more particularly described in the attached Exhibit:

ALL THAT CERTAIN 10 FOOT PLATTED ALLEY LYING SOUTH OF AND ADJACENT TO LOTS 1 THROUGH 18 INCLUSIVE AND LYING NORTH OF AND ADJACENT TO LOTS 19 THROUGH 36 INCLUSIVE, BLOCK "B" "FORT LAUDERDALE LAND AND DEVELOPMENT COMPANY SUBDIVISION OF BLOCK 6", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 57 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Location: North of N.W. 3rd Street, west of N.W. 8th Avenue,
East of N.W. 9th Avenue and South of N.W. 4th Street.

SECTION 2. That the applicant shall convey a public access easement as approved by the City Engineer in accordance with Commission Agenda Report No. 13-1159.

SECTION 3. 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 4. 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 set forth below have been satisfied:

(a) A public access easement shall be conveyed over the portion of the vacated alley that will be granted to the applicant;

(b) As per AT&T, the owner will be required to grant a new easement, conduit and any other support facilities required by the company within the 10-foot right-of-way to be vacated;

(c) 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. All improvements

constructed within the easement shall conform to City engineering standards; and

(d) 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.

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, be and the same are hereby repealed.

SECTION 7. That this Ordinance shall be in full force and effect ten days from the date of final passage.

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

PASSED SECOND READING this the _____ day of _____, 2013.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH