

RESOLUTION NO. 23-181

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THE 16-FOOT RETAINED UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 13390, PAGE 438 LYING ADJACENT TO LOTS 5, 6 AND 7, BLOCK D11, "DIXIE CUT-OFF SECTION CROISSANT PARK" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 5, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED WEST OF STATE ROAD A1A (US1), NORTH OF SOUTHEAST 32ND STREET, EAST OF SOUTH FEDERAL HIGHWAY (SOUTHEAST 6TH AVENUE) AND SOUTH OF SOUTHEAST 30TH STREET, ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, under the provisions of Section 47-24.7. of the City of Fort Lauderdale, Florida Unified Land Development Regulations (hereinafter "ULDR"), an application was submitted on behalf of the property owner, Airpark Executive, LLC, for the vacation of a 16-foot retained utility easement (Case No. UDP-EV22009), more specifically described in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, in accordance with 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 Development Review Committee ("DRC") has made the required report and has also recommended the vacation of the easement, and City staff has determined that the easement proposed for vacation is no longer needed for a public purpose.

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

SECTION 1. That the recitals set forth above are true and correct and are incorporated in this resolution.

SECTION 2. The City Commission finds that the application for vacation of easement meets the criteria of Section 47-24.7. of the ULDR as enunciated and memorialized in the minutes of its meeting on September 5, 2023, and a portion of those findings are expressly listed as follows:

- a. The easement is no longer needed for public purposes. The easement was previously located within an alley which was vacated and was retained as a storm drain and utility easement. FPL facilities currently located within the proposed vacation of easement area will be relocated as part of the construction of the associated new development of a self-storage facility that will cover the existing easement area. If any additional utility infrastructure is found during the construction of the associated development, the relocation shall be at the expense of the applicant.
- b. All utilities located within the easement have been or will be relocated pursuant to a relocation plan; and the owner of the utility facilities has consented to the vacation; or a portion of the easement area is maintained; or an easement in a different location has been provided by the utility facilities by the owner to the satisfaction of the city; or any combination of same. There is FPL infrastructure currently located within the easement area. The applicant has coordinated with franchise utility providers and shall relocate those utilities as part of the development of the associated self-storage facility. If any additional utility infrastructure is found, the applicant shall coordinate with the franchise utility providers to relocate the found utility at the expense of the applicant. The applicant has obtained letters of no objection from the following providers who have rights to place utilities in the easement: The applicant has obtained letters of no objection from the following providers who have no objection to the proposed vacation of easement. City of Fort Lauderdale Public Works Department, AT&T, Florida Power and Light, TECO Peoples Gas, and Comcast Cable.

SECTION 3. That the easement described below and legally described in Exhibit "A" attached hereto and incorporated herein, is hereby vacated and shall no longer constitute an easement for utilities, subject to the conditions provided in SECTION 4 of this resolution:

A PORTION OF THE 16-FOOT RETAINED UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 13390, PAGE 438 LYING ADJACENT TO LOTS 5, 6 AND 7, BLOCK D11, "DIXIE CUT-OFF SECTION CROISSANT PARK" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN

PLAT BOOK 6, PAGE 5, OF THE PUBLIC RECORDS OF
BROWARD COUNTY, FLORIDA

More particularly described in Exhibit "A" attached herein and incorporated herein.

Location: West of State Road A1A (US1), north of Southeast 32nd Street, east of South Federal Highway (Southeast 6th Avenue) and south of Southeast 30th Street

SECTION 4. That the vacation of the easement shall not be effective until the applicant demonstrates compliance with the following conditions below and the requirements in SECTION 5 of this Resolution are met:

1. Florida Power and Light (FPL) facilities shall be relocated from the vacated area at the expense of the applicant, and easements shall be dedicated at the new location. Relocated facilities shall be inspected and accepted by FPL.
2. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and easements will be dedicated at the new location, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department.
3. 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 easements will be dedicated at the new location, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider.
4. The applicant shall record a copy of the Easement Vacation Resolution in the Public Records of Broward County at the applicant's expense, within 30 days from the date of final passage, and the applicant shall provide the City Clerk with a copy of the recorded Resolution.

SECTION 5. This Resolution shall be in full force and effect on the date a certificate, executed by the City Engineer, and recorded by the applicant at the applicant's expense, in the public records of Broward County, Florida. The aforementioned certificate will be recorded only after the

applicant has complied with all of the conditions herein and the certificate shall state that all conditions of the vacation have been met. The applicant must provide a copy of the recorded certificate to the City Clerk.


SECTION 6. 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 7. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 8. Any resolutions or parts of resolutions in conflict herewith are hereby repealed, only to the extent of such conflicts.

SECTION 9. If any section, sentence, clause, or phrase of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

ADOPTED this 5th day of September, 2023.



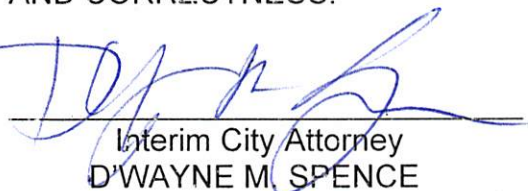
Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:



Interim City Attorney
D'WAYNE M. SPENCE

Dean J. Trantalis Yea

John C. Herbst Yea

Steven Glassman Yea

Pamela Beasley-Pittman Yea

Warren Sturman Yea



L.B. 7551

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

RECORDING AREA

LEGAL DESCRIPTION OF: 16 FOOT VACATED EASEMENT

BEING A 16 FOOT UTILITY EASEMENT
ORDINANCE NO. C-86-28
OFFICIAL RECORDS BOOK 13390, PAGE 436, B.C.R.

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF A 16 FOOT UTILITY EASEMENT, AS SHOWN IN ORDINANCE NO. C-86-28, RECORDED IN OFFICIAL RECORDS BOOK 13390, PAGE 436, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 8, BLOCK D11, OF DIXIE CUT-OFF SECTION CROISSANT PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 5, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA;

THENCE SOUTH 89°10'15" WEST, ALONG THE NORTH LINE OF LOTS 7 AND 8, BLOCK D11 OF SAID PLAT, A DISTANCE OF 75.89 FEET TO THE NORTHWEST CORNER OF SAID LOT 7, BLOCK D11 AND THE POINT OF BEGINNING.

THENCE CONTINUE SOUTH 89°10'15" WEST, ALONG THE WESTERLY EXTENSION OF SAID NORTH LINE OF LOT 7, BLOCK D11, A DISTANCE OF 8.22 FEET TO A POINT ON A LINE 8.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF LOT 5, BLOCK D11;

THENCE SOUTH 12°30'14" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 25.68 FEET;

THENCE SOUTH 89°10'15" WEST, A DISTANCE OF 8.22 FEET TO A POINT ON THE EAST LINE OF SAID LOT 5, BLOCK D11;

THENCE SOUTH 12°30'14" WEST, ALONG THE EAST LINE OF LOTS 5 AND 6, BLOCK D11 OF SAID PLAT, A DISTANCE OF 106.29 FEET TO SOUTHEAST CORNER OF SAID LOT 6, BLOCK D11;

THENCE NORTH 89°08'55" EAST, A DISTANCE OF 16.44 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7, BLOCK D11;

THENCE NORTH 12°30'14" EAST, ALONG THE WEST LINE OF SAID LOT 7, BLOCK D11, A DISTANCE OF 131.96 FEET TO THE NORTHWEST CORNER OF SAID LOT 7, BLOCK D11 AND THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA AND CONTAINING 0.04 ACRES (1,906 SQUARE FEET), MORE OR LESS.

NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON A BEARING OF N.89°08'55"E., ALONG THE CENTERLINE OF S.E. 31ST STREET AND ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATES SYSTEM, EAST ZONE, 1983 (1990) ADJUSTMENT.
2. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY OR OTHER MATTERS OF RECORD BY ECS.
3. THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY (THIS IS NOT A SURVEY).
4. THE LEGAL DESCRIPTION SHOWN HEREON WAS AUTHORED BY ECS LAND SURVEYORS, INC., WITHOUT THE BENEFIT OF A TITLE SEARCH. FOR MORE INFORMATION ABOUT POSSIBLE EASEMENTS AND RESTRICTIONS ON THIS PROPERTY REFER TO THE PUBLIC RECORDS OF THIS COUNTY AND THE PLAT OF RECORD (IF ANY).

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.
I 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.

SKETCH No. ECS3154 SD TASK 4-B	REVISIONS		DATE	BY
DATE OF SKETCH:		DRAWN BY	CHECKED BY	FIELD BOOK
04/18/23		J.E.C.	J.D.L.R.	N/A

JAVIER DE LA ROCHA

PROFESSIONAL SURVEYOR AND MAPPER NO. 6080 - STATE OF FLORIDA



L.B. 7551

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

RECORDING AREA

**SKETCH OF DESCRIPTION OF:
16 FOOT VACATED EASEMENT
BEING A 16 FOOT UTILITY EASEMENT
ORDINANCE NO. C-86-28
OFFICIAL RECORDS BOOK 13390, PAGE 436, B.C.R.**

LINE TABLE

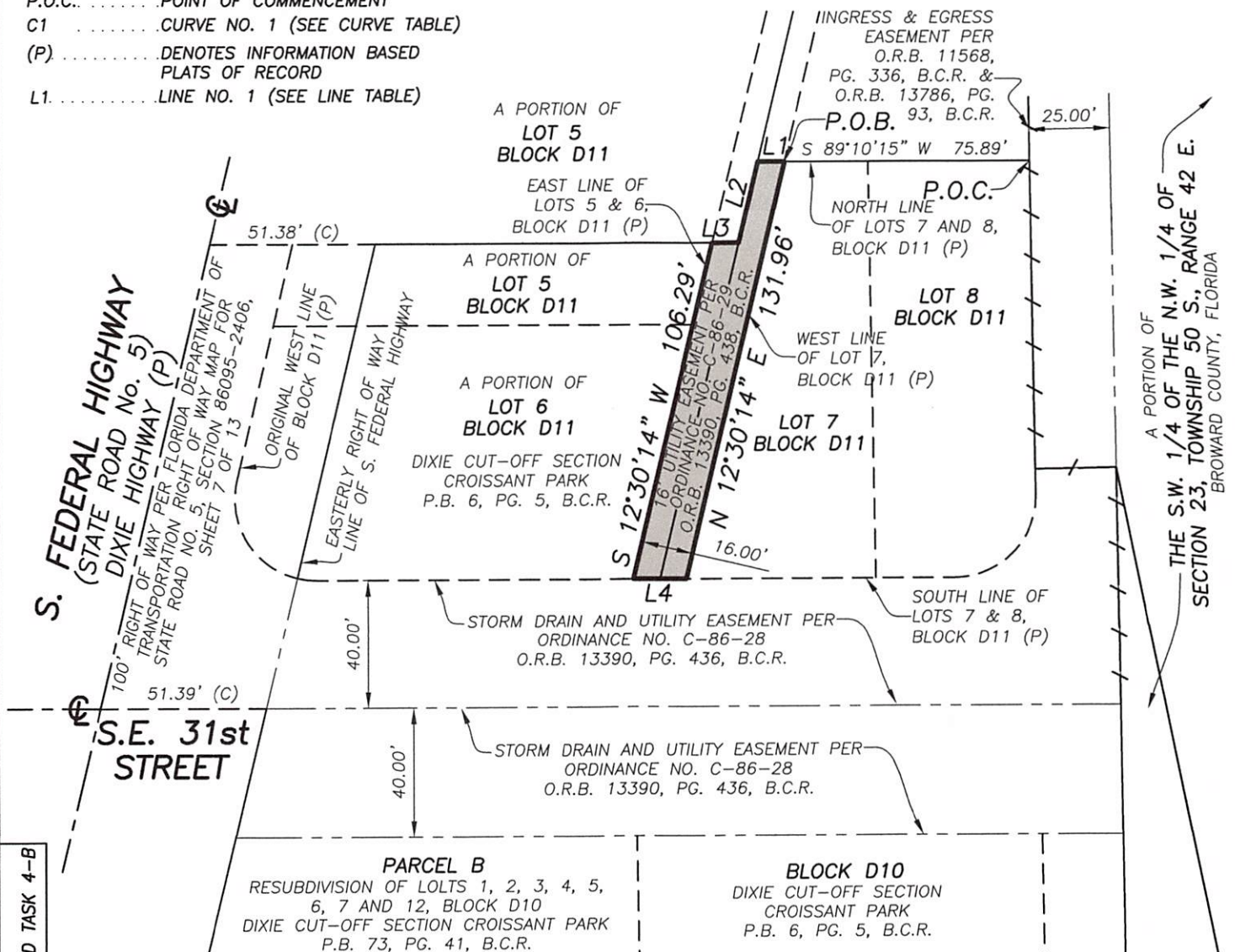
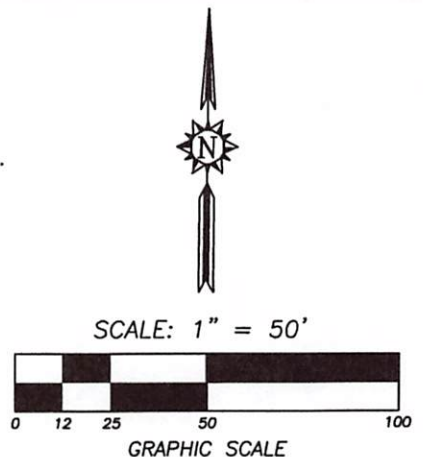
LINE	BEARING	DISTANCE
L1	S 89°10'15" W	8.22'
L2	S 12°30'14" W	25.68'
L3	S 89°10'15" W	8.22'
L4	N 89°08'55" E	16.44'

LEGEND:

B.C.R. BROWARD COUNTY RECORDS
P.B. PLAT BOOK
PG. PAGE
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
C1 CURVE NO. 1 (SEE CURVE TABLE)
(P) DENOTES INFORMATION BASED
PLATS OF RECORD
L1 LINE NO. 1 (SEE LINE TABLE)

LEGEND:

O.R.B. OFFICIAL RECORDS BOOK
(C) CALCULATED
--- LIMITED ACCESS LINE
C CENTERLINE



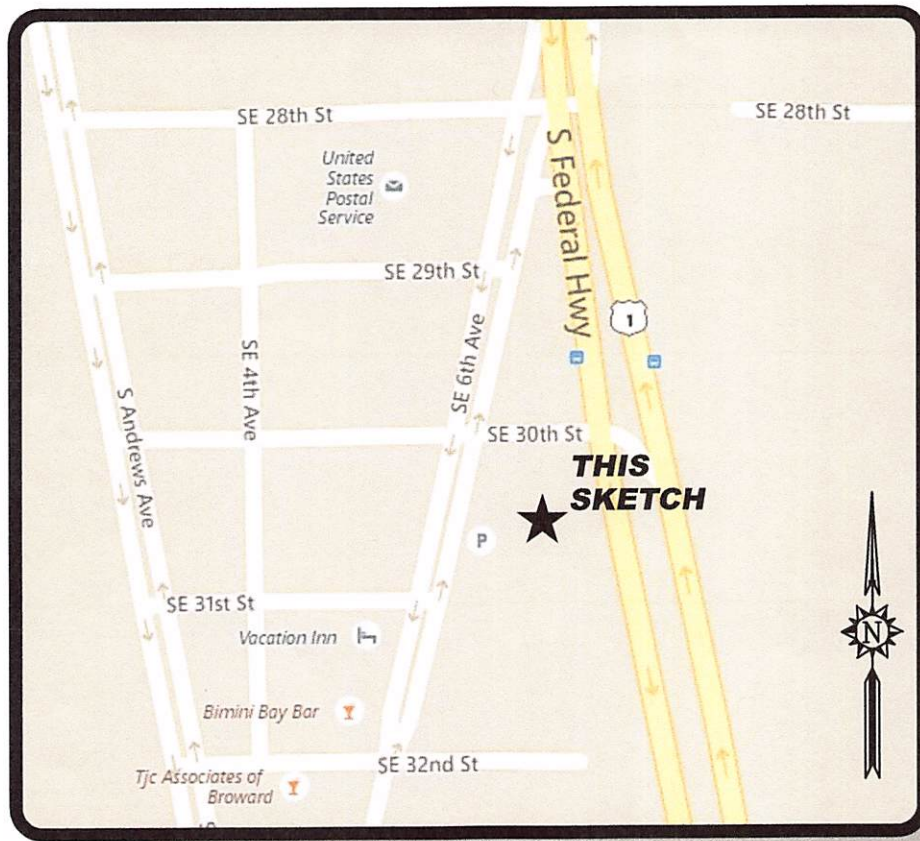


L.B. 7551

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RECORDING AREA

LOCATION SKETCH OF:
16 FOOT VACATED EASEMENT
BEING A 16 FOOT UTILITY EASEMENT
ORDINANCE NO. C-86-28
OFFICIAL RECORDS BOOK 13390, PAGE 436, B.C.R.



LOCATION MAP
NOT TO SCALE