

ORDINANCE NO. C-23-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-22-26 TO MODIFY EXHIBIT "B" – CONDITIONS OF APPROVAL RELATIVE TO VACATION OF THAT CERTAIN 50 FOOT WIDE SOUTHEAST 4<sup>TH</sup> AVENUE RIGHT-OF-WAY ADJACENT TO THE EAST LINE OF LOTS 7 THROUGH 12, BLOCK 2, "LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2 AT PAGE 9 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, ALSO ADJACENT TO THE WEST LINE OF PARCEL "A", "REAMENDED PLAT OF BLOCK 3 – LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 49 AT PAGE 39 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED NORTH OF SOUTHEAST 11<sup>TH</sup> STREET, SOUTH OF TARPON RIVER, WEST OF SOUTH FEDERAL HIGHWAY (STATE ROAD 5) AND EAST OF SOUTHEAST 3<sup>RD</sup> AVENUE, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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WHEREAS, on September 6, 2022, the City Commission of the City of Fort Lauderdale, Florida, passed Ordinance No. C-22-26 (PZ Case No. UDP-V21004) vacating that certain 50-foot wide right-of-way more particularly described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, Exhibit "B" to Ordinance No. C-22-26 set forth the following conditions of approval:

1. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at applicant's expense, or easements granted, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department, unless otherwise stipulated in an agreement between the City and the applicant;
2. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at applicant's expense, or easements granted, and the relocated facilities shall be required to be inspected and

accepted by the applicable utility agency or service provider; and,

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. 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.

WHEREAS, AT&T has subsequently confirmed that it has no objection as to the right-of-way vacation (Exhibit 5 to CAM # 23-0717) which necessitates the modification of Condition No. 2, above as set forth on Exhibit "B" attached hereto and incorporated herein; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, August 22, 2023, at 6:00 o'clock P.M., or as soon thereafter as can be heard, and Tuesday, September 5, 2023, at 6:00 o'clock P.M., or as soon thereafter as can be heard, at The Parker located at 707 N.E. 8<sup>th</sup> Street, Fort Lauderdale, Florida, for the purpose of hearing any public comment to the amendment of Ordinance No. C-22-26; 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;

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

SECTION 1. The City Commission finds that based on the Letter of No Objection received from AT&T, it is appropriate to amend Ordinance No. C-22-26, specifically Conditions No. 2 of the conditions of approval, as reflected in Exhibit "B" attached hereto and incorporated herein.

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, are hereby repealed.

SECTION 5. 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 6. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 7. 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 "B" attached hereto and incorporated herein have been met. The applicant shall provide a copy of the recorded certificate to the City.

PASSED FIRST READING this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

PASSED SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

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City Clerk  
DAVID R. SOLOMAN



**EXHIBIT "B"**

**CONDITIONS OF APPROVAL  
CASE NO. UDP-V21004**

1. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at applicant's expense, or easements granted, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department, unless otherwise stipulated in an agreement between the City and the applicant;
- ~~2. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at applicant's expense, or easements granted, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider; and,~~
2. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at United States of America's, acting by and through the Administrator of General Services, expense and an engineer's certificate may be issued by the City upon issuance of a letter from the utility provider stating no objection to the proposed vacation; and
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. 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.