

ORDINANCE NO. C-13-39

AN ORDINANCE VACATING, ABANDONING AND CLOSING ALL THAT CERTAIN 15 FOOT PLATTED ALLEY LYING WEST OF AND ADJACENT TO LOTS 1 THROUGH 24 INCLUSIVE AND LYING EAST OF AND ADJACENT TO LOTS 25 THROUGH 48 INCLUSIVE, BLOCK 17 "NORTH LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 48 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, GENERALLY LOCATED NORTH OF NORTHWEST 4<sup>TH</sup> STREET, WEST OF NORTHWEST 8<sup>TH</sup> AVENUE, EAST OF NORTHWEST 9<sup>TH</sup> AVENUE AND SOUTH OF NORTHWEST 5<sup>TH</sup> 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 the New Mount Olive Baptist Church; and

WHEREAS, the Planning and Zoning Board, at its meeting of June 19, 2013 (PZ Case No. 2-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 15 FOOT PLATTED ALLEY LYING WEST OF AND ADJACENT TO LOTS 1 THROUGH 24 INCLUSIVE AND LYING EAST OF AND ADJACENT TO LOTS 25 THROUGH 48 INCLUSIVE, BLOCK 17 "NORTH LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 48 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. 4<sup>th</sup> Street, west of N.W. 8<sup>th</sup> Avenue,  
east of N.W. 9<sup>th</sup> Avenue and south of N.W. 5<sup>th</sup> 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. 13-1157.

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) Vacation of the right-of-way shall be effective upon completion of the development and evidenced by an Engineer's Certificate;

(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 15-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.

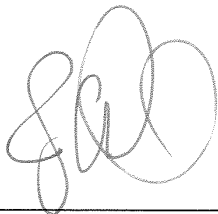
SECTION 6. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

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 1st day of October, 2013.

ATTEST:



ASST City Clerk  
JONDA K. JOSEPH  
JEFFREY MODARELLI

  
Mayor  
JOHN P. "JACK" SEILER

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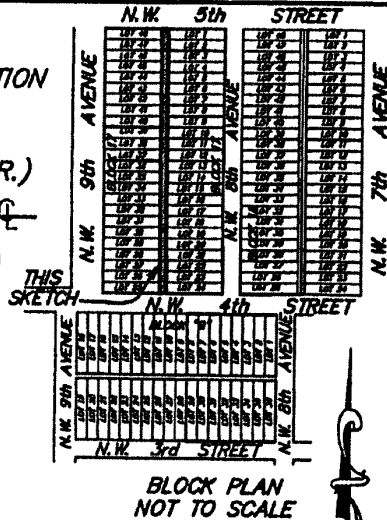
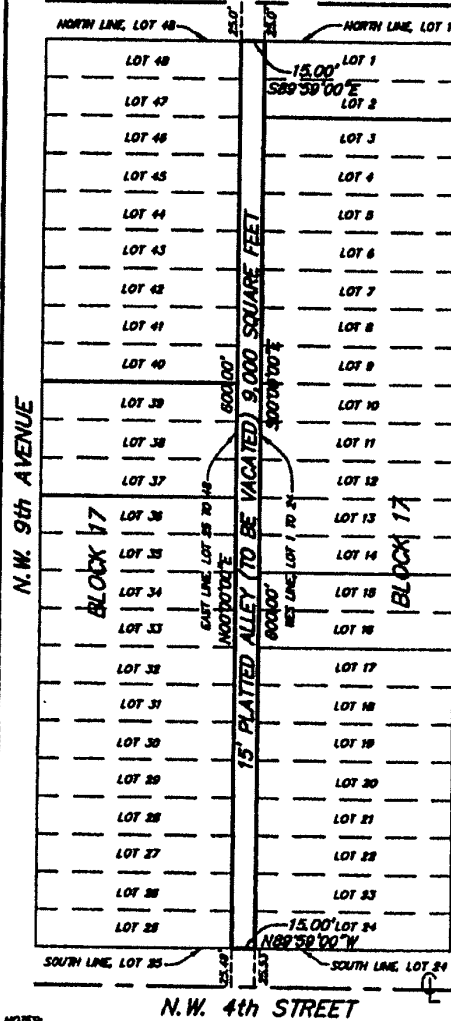
McLAUGHLIN ENGINEERING COMPANY  
LB#285

ENGINEERING • SURVEYING • PLATTING • LAND PLANNING  
100 N.E. 3rd AVENUE FORT LAUDERDALE, FLORIDA  
33301 PHONE (954) 763-7811 • FAX (954) 763-7815

M.R. OK

SCALE 1" = 80'

SKETCH AND DESCRIPTION  
TO ACCOMPANY VACATION PETITION  
15' ALLEY IN BLOCK 17,  
NORTH LAUDERDALE  
(PLAT BOOK 1, PAGE 48, D.C.R.)  
N.W. 5th STREET



LEGAL DESCRIPTION:

All that certain 15.00 foot  
platted Alley in Block 17, NORTH  
LAUDERDALE, according to the  
plat thereof, as recorded in Plat  
Book 1, Page 48, of the public  
records of Dade County, Florida,  
lying West of and adjacent to  
Lots 1 through 24 inclusive, of  
said Block 17 AND lying East of  
and adjacent to Lots 25 through  
48 inclusive of said Block 17.

Said lands situate, lying and  
being in, the City of Fort  
Lauderdale, Broward County,  
Florida and containing 9,000  
square feet or 0.2066 acres  
more or less.

CERTIFICATION

Certified Correct. Dated at  
Fort Lauderdale, Florida this  
27th day of April, 2012.

McLAUGHLIN ENGINEERING COMPANY

*Carl E. Albrektson*  
CARL E. ALBREKTSON  
Registered Land Surveyor No. 4185  
State of Florida.

NOTES:

- 1) This sketch reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements or rights-of-way of record by McLaughlin Engineering Company.
- 2) Legal description prepared by McLaughlin Engineering Co.
- 3) This drawing is not valid unless sealed with an embossed surveyor's seal.
- 4) THIS IS NOT A BOUNDARY SURVEY.
- 5) Bearings shown assume the South line of said Block 17, as North 89°59'00" West.

FIELD BOOK NO. \_\_\_\_\_

DRAWN BY: JMM

JOB ORDER NO. U-7300  
C:\JMM\2012\U7300(PLAT)  
REF. DWG.: 11-3-027

CHECKED BY: \_\_\_\_\_