

RESOLUTION NO. 23-111

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THE EXISTING 15-FOOT UTILITY EASEMENT, DESCRIBED IN OFFICIAL RECORDS BOOK 10741, PAGE 446, IN BLOCK 286, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, ALL OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED WEST OF NORTH ANDREWS AVENUE, NORTH OF NORTHWEST 7TH STREET, EAST OF NORTHWEST 1ST AVENUE AND SOUTH NORTHWEST 7TH STREET, ALL SAID LANDS SITUATE, LYING AND 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, Flagler Gateway Owner, LLC, for the vacation of a 15-foot utility easement (Case No. UDP-EV22006), 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 June 6, 2023, and a portion of those findings are expressly listed as follows:

- a. The easement is no longer needed for public purposes. There are no franchise utility provider facilities located within the proposed vacation of easement area. If any utilities are found during the construction of the associated development, the relocation shall be at the expense of the applicant.
- b. There are no utilities currently located within the easement area. If any utilities are 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 providers who have rights to place utilities in the easement: City of Fort Lauderdale Public Works Department, AT&T, FPL, TECO 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 EXISTING 15-FOOT UTILITY EASEMENT,
DESCRIBED IN OFFICIAL RECORDS BOOK 10741, PAGE 446,
IN BLOCK 286, "PROGRESSO", ACCORDING TO THE PLAT
THEREOF, ALL OF THE PUBLIC RECORDS OF BROWARD
COUNTY, FLORIDA

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

Location: West of North Andrews Avenue, north of Northwest 7th
Street, east of Northwest 1st Avenue and south of
Northwest 7th 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. 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.
2. 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.
3. The applicant shall record a copy of this 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.

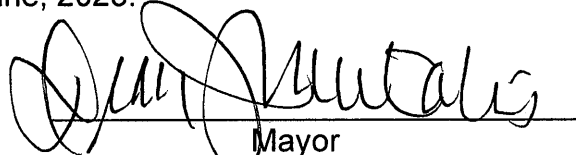
SECTION 6. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain 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, to the extent of such conflict.

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 6th day of June, 2023.



Mayor
DEAN J. TRANTALIS

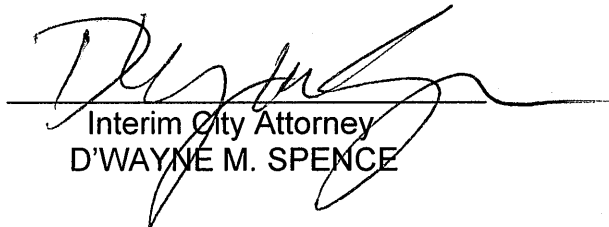
ATTEST:



City Clerk
DAVID R. SOLOMAN

Dean J. Trantalis	<u>Yea</u>
John C. Herbst	<u>Yea</u>
Steven Glassman	<u>Yea</u>
Pamela Beasley-Pittman	<u>Yea</u>
Warren Sturman	<u>Yea</u>

APPROVED AS TO FORM:



Interim City Attorney
D'WAYNE M. SPENCE

M.P.O.K.

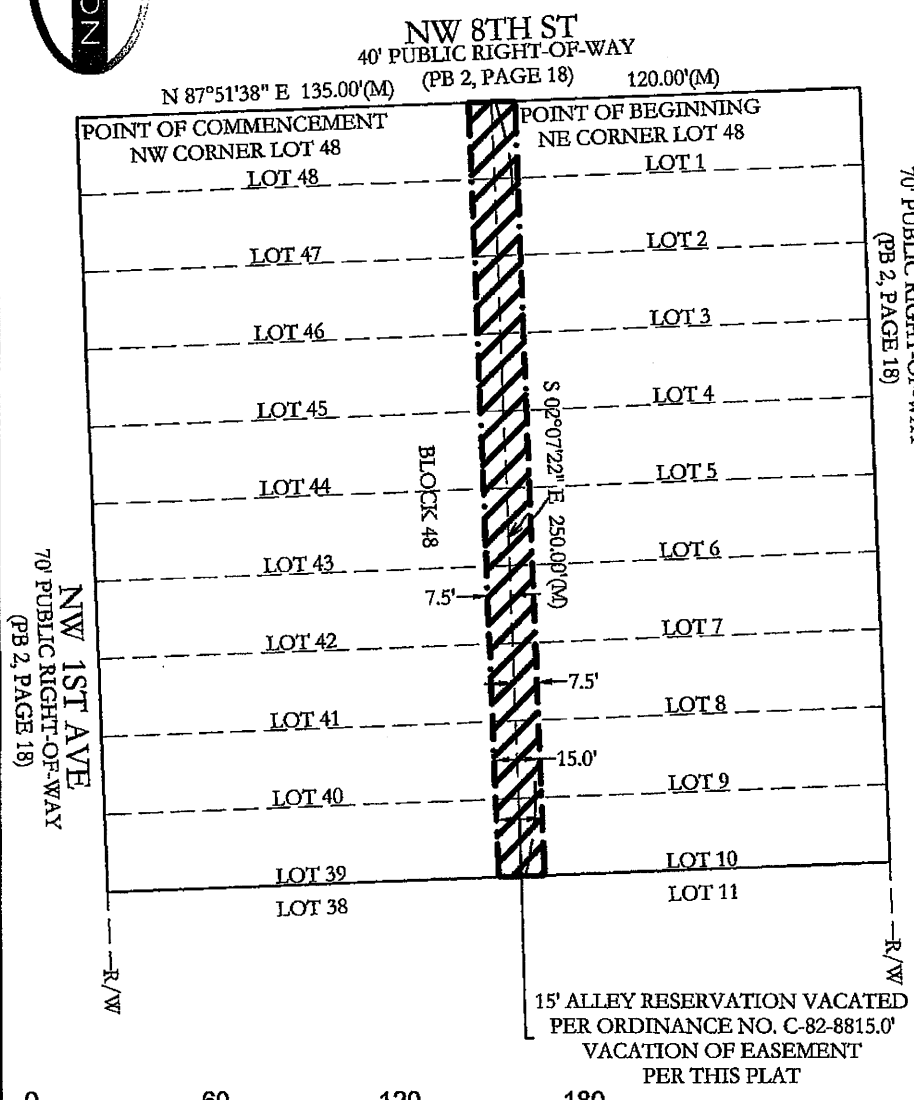
SKETCH AND DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF BROWARD, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

THE FOLLOWING DESCRIBED PROPERTY BEING A VACATION OF A PORTION OF THE EXISTING UTILITY EASEMENT AS SHOWN PER O.R. 10741, PAGE 446, BROWARD COUNTY RECORDS, SAID VACATION BEING 7.5' ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

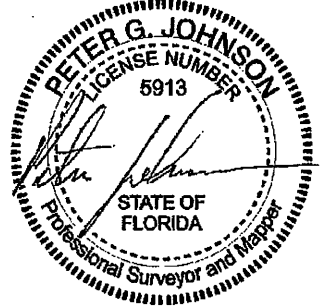
COMMENCING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF N.W. 8TH STREET AND THE EASTERLY RIGHT-OF-WAY LINE OF N.W. 1ST AVENUE, ALSO BEING THE NORTHWEST CORNER OF LOT 48, BLOCK 286, PROGRESSO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, DADE COUNTY RECORDS; THENCE, RUNNING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, N 87°51'38" E A DISTANCE OF 135.00' TO THE NORTHEAST CORNER OF THE AFOREMENTIONED LOT 48, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE; THENCE, FROM SAID POINT OF BEGINNING, RUNNING PARALLEL WITH THE EASTERLY RIGHT-OF-WAY LINE OF N.W. 1ST AVENUE, S 02°07'22" E A DISTANCE OF 250.00' TO THE POINT OF TERMINATION; LESS AND EXCEPT ANY PORTION LYING WITHIN THE RIGHT-OF-WAY LINES OF N.W. 8TH STREET; ALSO LESS AND EXCEPT ANY PORTION LYING WITHIN LOT 38 OR LOT 11 OF THE PREVIOUSLY MENTIONED PLAT BOOK 2, PAGE 18. SUBJECT TO ALL RIGHTS-OF-WAY OF RECORD.

N. ANDREWS AVE
70' PUBLIC RIGHT-OF-WAY
(PB 2, PAGE 18)



Legend of Symbols & Abbreviations

- BOUNDARY LINE
- - - EASEMENT LINE



PETER G. JOHNSON
PROFESSIONAL SURVEYOR & MAPPER LS5913
STATE OF FLORIDA
FLORIDA C.O.A. LB8173

EASEMENT VACATION EXHIBIT



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22-6904.03
Date: 10/10/2022