

ORDINANCE NO. C-17-43

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF SOUTHWEST 27 TERRACE LYING WITHIN BLOCKS 99 AND 100, "WESTWOOD HEIGHTS", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6, PAGE 34, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. LOCATED WEST OF SOUTHWEST 27 AVENUE (RIVERLAND ROAD), NORTH OF SOUTHWEST 12 STREET, EAST OF SOUTHWEST 28 AVENUE AND SOUTH OF SOUTHWEST 11 COURT, ALL LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, St. Thomas Aquinas High School, Inc., applied for the vacation of certain right-of-way as described in Section 1 herein; and

WHEREAS, the Planning and Zoning Board, at its meeting of August 16, 2017 (PZ Case No. V17006), did recommend to the City Commission of the City of Fort Lauderdale ("City Commission") the vacation of the below-described portion of Southwest 27th Terrace, subject to conditions; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, October 17, 2017 and Tuesday, November 7, 2017 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 portion of Southwest 27th Terrace is hereby vacated, abandoned, and closed and shall no longer constitute a public right-of-way:

See Exhibit "A" attached hereto and made a part hereof

Location: West of Southwest 27th Avenue (Riverland Road), north of Southwest 12th Street, east of Southwest 28th Avenue and south of Southwest 11th Court.

SECTION 2. That an access and utility easement is reserved and retained over the right-of-way area that is to be vacated.

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 That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

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. 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, have been met. A copy of the recorded certificate must be provided to the City.

PASSED FIRST READING this the 17th day of October, 2017.

PASSED SECOND READING this the _____ day of _____, 2017.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI

EXHIBIT " " "

M. B. O.K.

SKETCH & DESCRIPTION FOR: ABANDONMENT OF A PORTION OF S.W. 12th TERRACE RIGHT-OF-WAY

WESTWOOD HEIGHTS (PLAT BOOK 6, PAGE 34, B.C.R.)
LYING IN SECTION 8, TOWNSHIP 50 SOUTH, RANGE 42 EAST
CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

LAND DESCRIPTION:

That portion of S.W. 27th Terrace lying within Blocks 99 and 100, WESTWOOD HEIGHTS, as recorded in Plat Book 6, Page 34, of the Public Records of Broward County, Florida, bounded on the north by the south right-of-way of S.W. 11th Court (also known as Happy Hoyer Street) on the east by the west line of said Block 99, on the south by the north right-of-way of S.W. 12th Street and on the west by the east line of said Block 100.

Said lands situate in the City of Fort Lauderdale, Broward County, Florida.

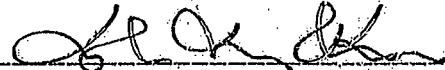
SURVEYOR'S NOTES:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to this sketch by other than the signing party is prohibited without written consent of the signing party.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other Instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Abbreviation Legend: B.C.R. = Broward County Records; C = Centerline; F.B. = Field Book; L.B. = Licensed Business; MISC. = Miscellaneous; O.R.B. = Official Records Book; (P) = Per Record Plat; P.B. = Plat Book; P.S.M. = Professional Surveyor & Mapper; R/W = Right-of-Way.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17.050 through 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 5/8/17



MARISHA M. KREITMAN, P.S.M.
Florida Registration No. 6555
AVIROM & ASSOCIATES, INC.
L.B. No. 3300
EMAIL: marisha@aviromsurvey.com

REVISIONS



AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING

50 S.W. 2nd AVENUE, SUITE 102
BOCA RATON, FLORIDA 33432
(561) 392-2594 / www.AVIROMSURVEY.com

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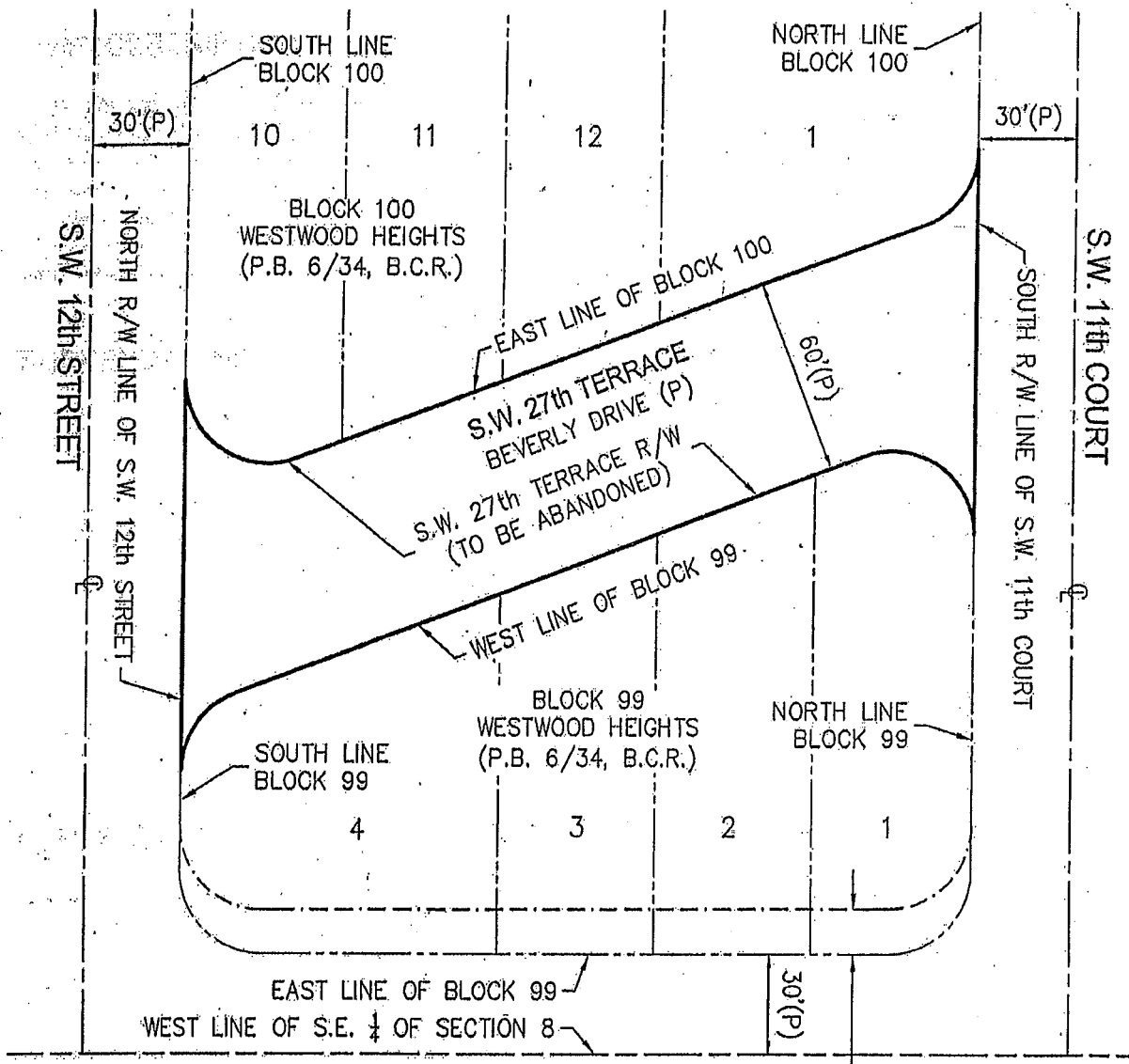
JOB #:	7183-29B
SCALE:	1" = 50'
DATE:	05/08/2017
BY:	M.M.K.
CHECKED:	M.D.A.
F.B.	N/A
PG.	N/A
SHEET:	1 OF 2

EXHIBIT " " "

M.D. O.K.

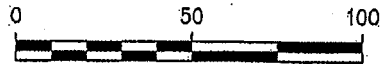
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WESTWOOD HEIGHTS (PLAT BOOK 6, PAGE 34, B.C.R.)
LYING IN SECTION 8, TOWNSHIP 50 SOUTH, RANGE 42 EAST
CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA



S.W. 27th AVENUE (RIVERLAND ROAD)
VARIABLE WIDTH R/W (MISC. MAP BOOK 5/2, B.C.R.)

PARCEL 7 (O.R.B. 9370/471, B.C.R.)



GRAPHIC SCALE IN FEET
1" = 50'

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JOB #: 7183-29B

SCALE: 1" = 50'

DATE: 05/08/2017

BY: M.M.K.

CHECKED: M.D.A.

F.B. N/A PG. N/A

SHEET: 2 OF 2

EXHIBIT "B"

**CONDITIONS OF APPROVAL
CASE NO. V17006**

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 the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department; and
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 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, and recorded in the public records of Broward County, Florida. The certificate shall state that all conditions of the vacation listed in the ordinance have been met. A copy of the recorded certificate must be provided to the City.