

ORDINANCE NO. C-21-37

AN ORDINANCE VACATING A PORTION OF NORTHEAST 5<sup>TH</sup> TERRACE (18<sup>TH</sup> STREET PER PLAT) 40.00 FOOT RIGHT OF WAY LYING WEST OF LOTS 32 THROUGH 36, BLOCK 313, AND LYING EAST OF LOTS 13 THROUGH 17, BLOCK 314, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED NORTH OF NORTHEAST 6<sup>TH</sup> STREET, SOUTH OF NORTHEAST 7<sup>TH</sup> STREET, EAST OF NORTHEAST 5<sup>TH</sup> AVENUE AND WEST OF FEDERAL HIGHWAY (STATE ROAD 5), ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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WHEREAS, the applicant, Flagler Sixth LLC, applied for the vacation of a public right-of-way more particularly described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the Planning and Zoning Board, at its meeting of September 22, 2021 (PZ Case No. UDP-V21001), recommended to the City Commission of the City of Fort Lauderdale ("City Commission") that they approve the application for the vacation of a public right-of-way as more particularly described and shown on Exhibit "A" attached hereto, subject to the conditions listed 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, December 7, 2021, at 6:00 o'clock P.M., and Tuesday, December 21, 2021, 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 of the right-of-way; 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; and

WHEREAS, the City Commission has determined that the application for vacation of right-of-way meets the criteria in Section 47-24.6.A.4 of the City of Fort Lauderdale Unified Land Development Regulations;

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

SECTION 1. The City Commission finds that the application for vacation of a right-of-way meets the criteria of Section 47-24.6 of the ULDR as enunciated and memorialized in the minutes of its meetings of December 7, 2021 and December 21, 2021, a portion of those findings expressly listed as follows:

- a. This portion of the right-of-way of NE 5<sup>th</sup> Terrace is no longer needed for public purposes. The portion of NE 5<sup>th</sup> Terrace north of the proposed area to be vacated was previously vacated pursuant to City Ordinance No. C-19-41 and was found not to be needed for public purposes. The applicant owns the properties on either side of the proposed area to be vacated.
- b. Alternative routes on NE 6<sup>th</sup> Street, NE 5<sup>th</sup> Avenue, and NE 7<sup>th</sup> Street are available and do not cause adverse impacts to the surrounding areas. Although alternative routes exist, the applicant is proposing to grant a 20-foot public access easement over a portion of the vacated area to maintain two-way traffic.
- c. The properties immediately to the east of the proposed area to be vacated (601 and 611 North Federal Highway) are served by backout parking. If this portion of NE 5<sup>th</sup> Terrace is vacated, the backout parking and turnaround area will not be affected.
- d. There are currently no sidewalks on this portion of NE 5<sup>th</sup> Terrace. However, the applicant is constructing a public sidewalk along NE 5<sup>th</sup> Terrace and will grant a sidewalk easement over the sidewalks as required.
- e. There are no utilities in the portion of the right-of way to be vacated. The applicant has obtained letters of no objection from the franchise utilities and the City's Public Works Department.

SECTION 2. That the public right-of-way located north of Northeast 6<sup>th</sup> Street, south of Northeast 7<sup>th</sup> Street, east of Northeast 5<sup>th</sup> Avenue and west of Federal Highway (State Road 5), as more particularly described in Exhibit "A" attached hereto, is hereby vacated, abandoned, and closed and shall no longer constitute a public right-of-way, subject to conditions listed on Exhibit "B" attached hereto and incorporated herein.

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, 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. The applicant shall provide a copy of the recorded certificate to the City.

PASSED FIRST READING this 7<sup>th</sup> day of December, 2021.  
PASSED SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor  
DEAN J. TRANTALIS

ATTEST:

\_\_\_\_\_  
City Clerk  
JEFFREY A. MODARELLI

M.P. O.K.

# "EXHIBIT A" SKETCH & DESCRIPTION PARCEL D

## DESCRIPTION:

THAT PORTION OF NORTHEAST 5TH TERRACE RIGHT-OF-WAY, LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF OF LOT 32 AND LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 36, BLOCK 313, PROGRESSO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 36 BLOCK 313; THENCE SOUTH 00°00'15" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHEAST 5TH TERRACE, A DISTANCE OF 125.00 FEET TO THE SOUTHWEST CORNER OF THE AFORESAID LOT 32, BLOCK 313; THENCE NORTH 89°59'45" WEST, A DISTANCE OF 40.00 FEET TO THE SOUTHEAST CORNER OF LOT 17, BLOCK 314 OF THE AFORESAID PLAT; THENCE NORTH 00°00'15" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF NORTHEAST 5TH TERRACE, A DISTANCE OF 125.00 FEET TO THE NORTHEAST CORNER OF LOT 13, BLOCK 314; THENCE SOUTH 89°59'45" EAST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA. CONTAINING 5,000 SQUARE FEET MORE OR LESS.

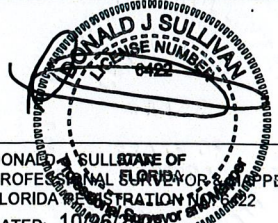
## NOTES:

1. THIS IS NOT A MAP OF BOUNDARY SURVEY, BUT IS A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON.
2. NO MONUMENTATION WAS SET DURING THE PREPARATION OF THIS INSTRUMENT.
3. THE UNDERSIGNED & DJS SURVEYORS, INC., MAKE NO REPRESENTATIONS OR GUARANTEES AS TO THE INFORMATION REFLECTED HEREON PERTAINING TO EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, AGREEMENTS AND OTHER MATTERS, AND FURTHER, THIS INSTRUMENT IS NOT INTENDED TO REFLECT OR SET FORTH SUCH MATTERS. SUCH INFORMATION SHOULD BE OBTAINED AND CONFIRMED BY OTHERS THROUGH APPROPRIATE TITLE VERIFICATION. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY AND/OR EASEMENTS RECORD.
4. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF BLOCK 314 WITH AN ASSUMED BEARING OF N 00°00'15" E.
5. THIS SKETCH AND DESCRIPTION CONSISTS OF TWO (2) SHEETS AND IS NOT COMPLETE WITHOUT ALL SHEETS.
6. THE SKETCH AND DESCRIPTION IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND SEAL OF THE CERTIFYING SURVEYOR. THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY DONALD J. SULLIVAN ON 02/02/2021.

ADDRESS COMMENTS	10/26/21	RM	DS	
REVISIONS	DATE	BY	CHKD	F.B./PG.



**DJS SURVEYORS, INC.**  
 PROFESSIONAL SURVEYORS AND MAPPERS  
 20283 STATE ROAD 7, SUITE 200  
 BOCA RATON, FL 33498  
 PH. 561.883.0470, FX. 561.883.0480  
 CERTIFICATE OF AUTHORIZATION NO. LB 7870  
 www.djssurveyors.com



DONALD J. SULLIVAN  
 LICENSE NUMBER 0422  
 DONALD J. SULLIVAN OF  
 PROFESSIONAL SURVEYOR & MAPPER  
 FLORIDA REGISTRATION NUMBER 0422  
 DATED: 10/26/21

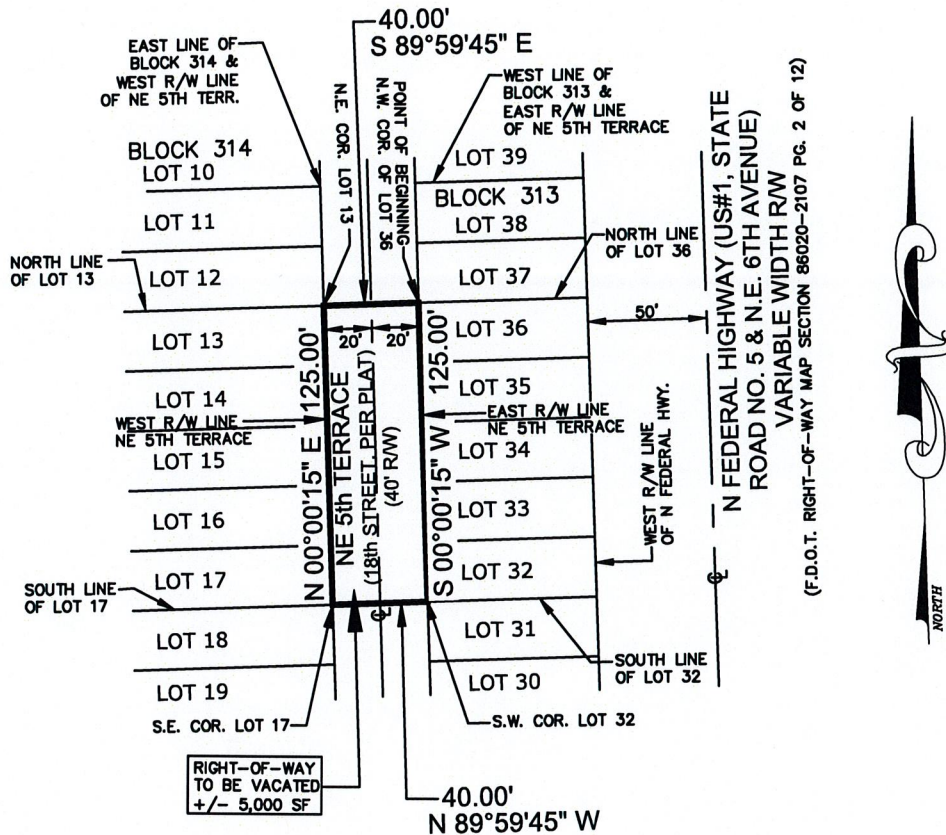
JOB No: **21-129**

FB/PG: 00/00	SHEET No: <b>1/2</b>
DRAWN BY: R.M.	
CKD. BY: D.J.S.	
SCALE: N/A	



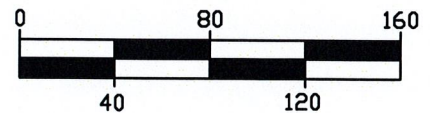
M.P.O.K.

# "EXHIBIT A" SKETCH & DESCRIPTION PARCEL D



**LEGEND:**

- D. C. R. DADE COUNTY RECORDS
- P. B. PLAT BOOK
- PG. PAGE
- ⊕ CENTERLINE
- R/W RIGHT-OF-WAY
- P. D. B. POINT OF BEGINNING
- B. C. R. BROWARD COUNTY RECORDS
- O. R. B. OFFICIAL RECORDS BOOK
- COR. CORNER



SCALE: 1"=80'

ADDRESS COMMENTS	10/26/21	RM	DS	
REVISIONS	DATE	BY	CHKD	F.B./PG.



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JOB No: 21-129

FB/PG: 00/00  
 DRAWN BY: R.M.  
 CKD. BY: D.J.S.  
 SCALE: 1" = 80'

SHEET No:  
**2/2**

**EXHIBIT "B"**

**CONDITIONS OF APPROVAL  
CASE NO. UDP-V21001**

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, 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 by the applicant to the City.