

RESOLUTION NO. 14-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THAT CERTAIN 15 FOOT WIDE UTILITY EASEMENT RETAINED BY ORDINANCE NO. C-02-5 OF THE CITY OF FORT LAUDERDALE AS RECORDED IN OFFICIAL RECORDS BOOK 33020, PAGE 202 BROWARD COUNTY RECORDS, BOUNDED ON THE EAST BY THE WEST LINE OF LOTS 9 AND 10, BOUNDED ON THE WEST BY THE EAST LINE OF LOTS 17 AND 18, BOUNDED ON THE SOUTH BY A LINE BETWEEN THE SOUTHEAST CORNER OF SAID LOT 17 AND THE SOUTHWEST CORNER OF SAID LOT 10 AND BOUNDED ON THE NORTH BY A LINE BETWEEN THE NORTHEAST CORNER OF SAID LOT 18 AND THE NORTHWEST CORNER OF SAID LOT 9, BLOCK 4 "AMENDED PLAT OF BLOCKS 1, 2, 3, 4, 5, 6, 7, 8, 25, 26, 27, 28, 29, 30, 31, 32 AND 33 OF NORTH LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 182, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED NORTH OF NORTHEAST 5TH STREET, EAST OF NORTHEAST 2ND AVENUE, WEST OF NORTHEAST 3RD AVENUE AND SOUTH OF NORTHEAST 6TH STREET, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, under the provisions of Section 47-24.7 of the Unified Land Development Regulations (hereinafter "ULDR") of the City of Fort Lauderdale, Florida, Tropical American Properties, L.L.C. is applying for the vacation of a utility easement (PZ Case No. E14001) more fully described in Section 1, below associated with the development known as Pineapple House; and

WHEREAS, pursuant to the provisions of the aforementioned 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 Department of Sustainable Development has made the required reports and has also recommended the vacation of the easement, certifying that the same will not be required to serve the property;

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

SECTION 1. That the below described easement is hereby vacated and shall no longer constitute an easement for utilities, subject to the conditions provided in SECTION 2 of this resolution:

THAT CERTAIN UTILITY EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 33020, PAGE 202, BROWARD COUNTY RECORDS, DESCRIBED AS FOLLOWS:

A PORTION OF A 15.00 FOOT WIDE ALLEY LYING WITHIN BLOCK 4, "AMENDED PLAT OF NORTH LAUDERDALE", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, AT PAGE 182 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE EAST BY THE WEST LINE OF LOTS 9 AND 10, IN SAID BLOCK 4; BOUNDED ON THE WEST BY THE EAST LINE OF LOTS 17 AND 18 IN SAID BLOCK 4; BOUNDED ON THE SOUTH BY A LINE BETWEEN THE SOUTHEAST CORNER OF SAID LOT 17 AND THE SOUTHWEST CORNER OF SAID LOT 10; AND BOUNDED ON THE NORTH BY A LINE BETWEEN THE NORTHEAST CORNER OF SAID LOT 18 AND THE NORTHWEST CORNER OF SAID LOT 9.

SAID LANDS SITUATED, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA. CONTAINING 1,500 SQUARE FEET OR 0.034 ACRES MORE OR LESS.

Location: North of N.E. 5th Street, east of N.E. 2nd Avenue, west of N.E. 3rd Avenue and south of N.E. 6th Street.

SECTION 2. That the vacation of the easement shall not be effective until the applicant demonstrates compliance with the following conditions:

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.

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.

SECTION 3. That a copy of this Resolution shall be recorded in the Public Records of Broward County within 30 days from the date of final passage.

SECTION 4. 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 5. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

ADOPTED this the _____ day of _____, 2014.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH