

10/2/12  
a-1

2013 SEP 13 PM 4:41

CITY CLERK

TO: Wendy Gonyea, Assistant City Clerk IV  
FROM: Denice B. Jones / CITY ATTORNEY'S OFFICE  
DATE: September 13, 2013  
RE: Holman Honda / Vacation  
East of North Federal Highway; south of East Sunrise  
Boulevard; west of NE 10<sup>th</sup> Avenue & north of NE 9<sup>th</sup> Street

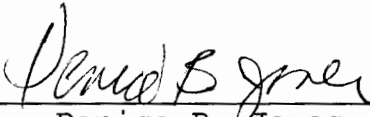
PLEASE:

|   |  |
|---|--|
| <input type="checkbox"/> Make recommendations & return    | <input checked="" type="checkbox"/> For appropriate action |
| <input type="checkbox"/> Prepare reply for (your/my) sig. | <input type="checkbox"/> For your information              |
| <input type="checkbox"/> See me                           | <input type="checkbox"/> For your review & comment         |

REMARKS:

Attached please find the Certificate of City Engineer, recorded  
9/12/2013 @O.R. 50163 / 1625 - 1633.

Action desired before: \_\_\_\_\_



Denice B. Jones  
for Robert B. Dunckel

PREPARED BY AND RETURN TO:  
Robert B. Dunckel, Assistant City Attorney  
City of Fort Lauderdale  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

INSTR # 111801185  
OR BK 50163 Pages 1625 - 1633  
RECORDED 09/12/13 02:23:36 PM  
BROWARD COUNTY COMMISSION  
DEPUTY CLERK 2165  
#1, 9 Pages

**CERTIFICATE**

STATE OF FLORIDA:  
COUNTY OF BROWARD:

BEFORE ME this day personally appeared **HARDEEP ANAND** who being first duly sworn, deposes and says:

1. That I am the City Engineer of the City of Fort Lauderdale, a Florida municipal corporation ("City").

2. That attached hereto as **Exhibit "A"** is City of Fort Lauderdale Ordinance No. C-12-36, recorded in the Public Records of Broward County, Florida at Official Records Book 49189, Pages 1304 – 1308 (hereinafter, "Ordinance").

3. The Ordinance vacated a portion of N.E. 7<sup>th</sup> Avenue as dedicated on the Plat of PROGRESSO, according to the Plat thereof, said Plat being recorded in the Public Records of Dade County, Florida, subject to certain conditions.

4. Section 5 of the Ordinance provided that the Ordinance would not be in full force and effect until the date a certificate, executed by the City Engineer, is recorded in the Public Records of Broward County evidencing that all conditions for the vacation have been met.

5. That the City of Fort Lauderdale Unified Land Development Regulations, Sec. 47-24.6. A. 4. e. provides that all utilities located within the right of way to be vacated either be relocated or will be relocated pursuant to a relocation plan. Affiant has received an approved relocation plan for the utilities from the applicant for the vacation. See **Exhibit "B"** attached hereto and made a part hereof.

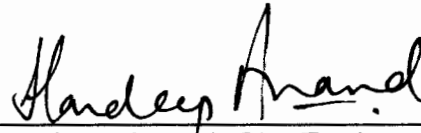
6. As a further condition of the vacation, the applicant was to convey to the City and record a 20-foot cross access easement for the benefit of the public, for pedestrians, bicyclists, and other non-motorized modes of transportation along the Eastern edge of applicant's property adjacent to N.E. 10<sup>th</sup> Avenue. Affiant declares that this condition has been met and the subject

2013 SEP 13 AM 4:48  
CITY CLERK

Access Easement dated August 27, 2013, was recorded September 4, 2013 at Official Records Book 50138, Page 932 of the Public Records of Broward County, Florida.

7. Affiant states that all conditions set forth in the Ordinance have been met. Section 5 of the Ordinance, states that the Ordinance shall be in full force and effect on the date this Certificate is executed by the City Engineer and is recorded in the Public Records of Broward County, Florida

FURTHER AFFIANT SAYETH NAUGHT.

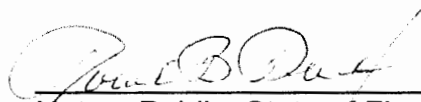
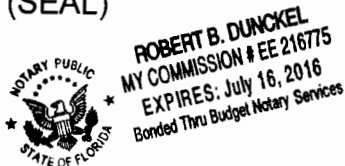


Hardeep Anand, City Engineer  
City of Fort Lauderdale

STATE OF FLORIDA:  
COUNTY OF BROWARD:

SWORN TO AND SUBSCRIBED before me, the undersigned authority,  
this 11 day of SEPTEMBER, 2013 in the County and State aforesaid.

(SEAL)



Notary Public, State of Florida Signature  
of Notary taking Acknowledgment)

ROBERT B. DUNCKEL

Name of Notary Typed,  
Printed or Stamped

My Commission Expires:

07/16/2016

Commission Number

EE 216775

Approved as to form:



Robert B. Dunckel,  
Assistant City Attorney

ORDINANCE NO. C-12-36

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF NORTHEAST 7<sup>TH</sup> AVENUE BETWEEN BLOCK 218 AND BLOCK 219, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED EAST OF NORTH FEDERAL HIGHWAY (US1;SR5), SOUTH OF EAST SUNRISE BOULEVARD, WEST OF NORTHEAST 10<sup>TH</sup> AVENUE AND NORTH OF NORTHEAST 9<sup>TH</sup> STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, Holman Automotive, 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 15, 2012 (PZ Case No. 8-P-11), did recommend to the City Commission of the City of Fort Lauderdale ("City Commission") the vacation of the below-described portion of a street subject to conditions; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, September 18, 2012 and Tuesday, October 2, 2012 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 a street is hereby vacated, abandoned, and closed and shall no longer constitute a public right-of-way, subject to the conditions provided in Exhibit B.

See Exhibit A attached hereto and made a part hereof

Location: East of North Federal Highway, south of East Sunrise Boulevard,  
west of N.E. 10<sup>th</sup> Avenue and north of N.E. 9<sup>th</sup> Street.

SECTION 2. 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 3. 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 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.


SECTION 5. That this 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 evidencing that all conditions for the vacation have been met.

PASSED FIRST READING this the 18th day of September, 2012.

PASSED SECOND READING this the 2nd day of October, 2012.

  
\_\_\_\_\_  
Mayor  
JOHN P. "JACK" SEILER

ATTEST:

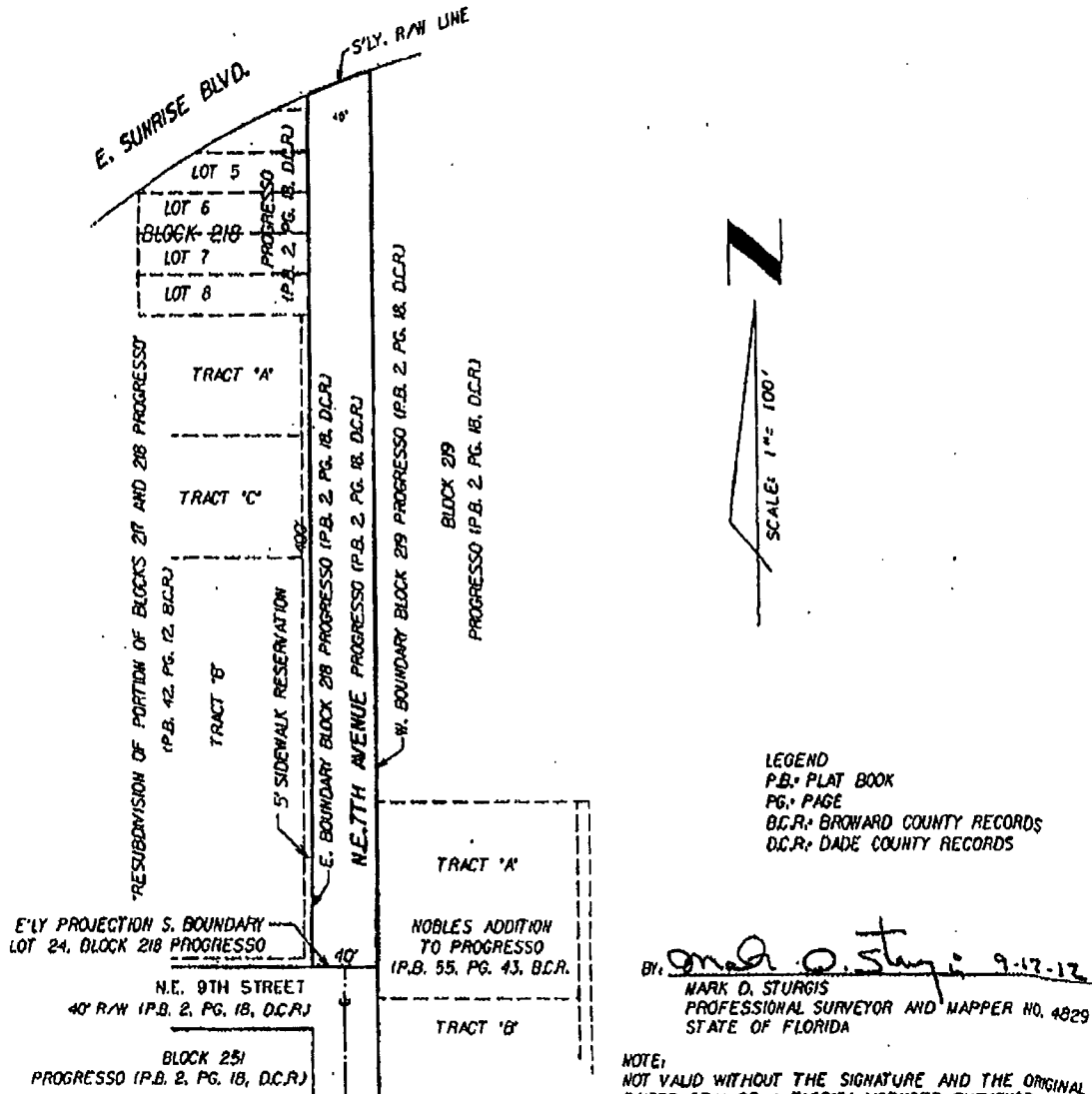
  
\_\_\_\_\_  
City Clerk  
JONDA K. JOSEPH

L:\COMM2012\Ords\Oct 2\C-12-36.docx

# Exhibit A

M.D. O.K.

DESCRIPTION  
 THAT PORTION N.E. 7TH AVENUE, ACCORDING TO THE PLAT OF PROGRESSO, AS  
 RECORDED IN PLAT BOOK 2 AT PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY,  
 FLORIDA, BOUNDED ON THE SOUTH BY THE EASTERLY PROJECTION OF THE SOUTH  
 BOUNDARY OF LOT 24 IN BLOCK 218 ACCORDING TO SAID PLAT, ON THE WEST BY THE  
 EAST BOUNDARY OF SAID BLOCK 218, ACCORDING TO SAID PLAT, ON THE NORTH BY  
 THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST SUNRISE BOULEVARD, AS NOW  
 LOCATED AND CONSTRUCTED, AND ON THE EAST BY THE WEST BOUNDARY OF  
 BLOCK 219, ACCORDING TO SAID PLAT.  
 SAID LANDS SITUATE IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA AND  
 CONTAINING 21,688 SQUARE FEET (0.4979 ACRES) MORE OR LESS.



| PROGRESSO  |  | SKETCH AND DESCRIPTION   |  |  |  |
|--|--|--|--|--|--|
| CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA   |  | VACATE PORTION OF N.E. 7TH AVENUE  |  |  |  |
| <b>W. WINNINGHAM &amp; FRADLEY, INC.</b><br>ENGINEERS • PLANNERS • SURVEYORS<br>111 N.E. 44th STREET, OAKLAND PARK, FL 33311 954-771-7140 FAX 954-771-0088 |  | PREPARED BY: <b>W. WINNINGHAM &amp; FRADLEY, INC.</b><br>CHECKED BY: <b>W. WINNINGHAM &amp; FRADLEY, INC.</b><br>DATE: <b>9-3-08</b> | PROJECT NUMBER: <b>W-07047</b><br>SHEET: <b>1 OF 1</b> |  |  |

Exhibit B

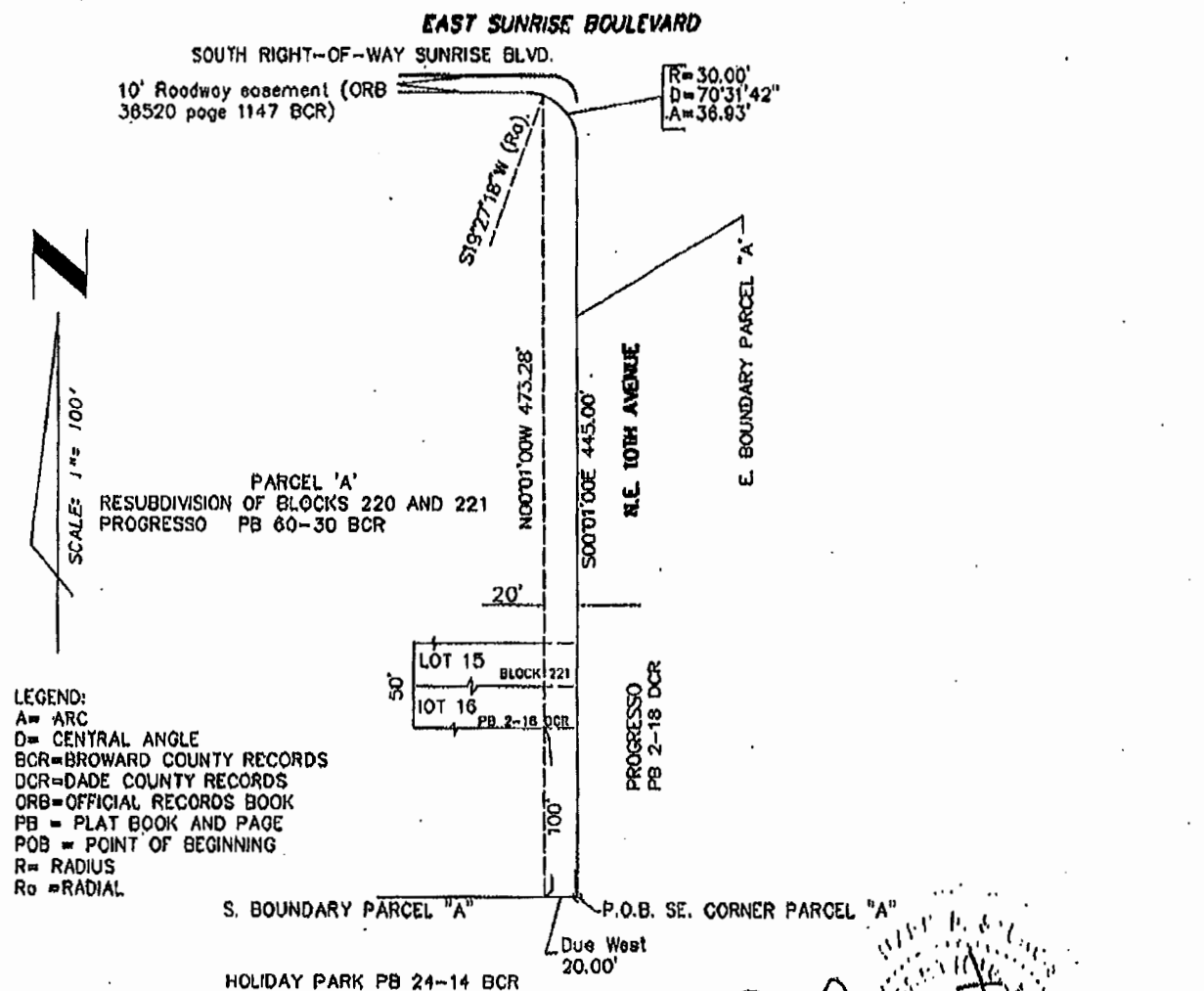
1. Prior to recordation and the proposed vacation taking effect, the applicant shall convey to the City a 20-foot cross access easement for the benefit of the public for pedestrians, bicyclists, and other non-motorized modes of transportation along the eastern edge of applicant's property adjacent to NE 10<sup>th</sup> Avenue, as depicted on the attached Sketch and Description, and record the appropriate documents to memorialize the same. Should the existing site layout be reconfigured, property redeveloped in the future, or a proposal is submitted to alter the currently approved site plan, a more appropriate placement of said easement may be determined and agreed upon by the then property owner and City to continue to provide access through the property from Sunrise Boulevard south, depending on site layout and design of a proposed redevelopment plan.
2. 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;
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. This certificate shall state that all conditions of the vacation have been met. A copy of the recorded certificate must be provided to the City.

# SKETCH AND DESCRIPTION

THIS IS NOT A SKETCH OF SURVEY. IT IS ONLY THE GRAPHIC REPRESENTATION OF THE DESCRIPTION DEPICTED HEREON.

A PORTION OF PARCEL A ACCORDING TO THE PLAT OF RESUBDIVISION OF BLOCKS 220 AND 221 PROGRESSO AS RECORDED IN PLAT BOOK 60 AT PAGE 30 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA TOGETHER WITH A PORTION OF LOTS 15 AND 16 IN BLOCK 221 ACCORDING TO THE PLAT OF PROGRESSO AS RECORDED IN PLAT BOOK 2 AT PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL "A"; THENCE RUN DUE WEST ALONG THE SOUTH BOUNDARY OF SAID PARCEL "A" 20.00 FEET; THENCE RUN NORTH 00°01'00" WEST 473.28 FEET TO AN INTERSECTION WITH A CURVE TO THE RIGHT A RADIAL AT SAID INTERSECTION BEARING SOUTH 19°27'18" WEST; THENCE ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 70°31'42" RUN 38.93' TO A POINT OF TANGENCY AND THE EASTERLY BOUNDARY OF SAID PARCEL "A"; THENCE RUN SOUTH 00°01'00" EAST ALONG SAID EAST BOUNDARY 445.00 FEET TO THE POINT OF BEGINNING. ALSO KNOWN AS THE EAST 20.00 FEET OF PARCEL "A" OF THE UNRECORDED PLAT OF BMW SUNRISE. SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.



NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

MARK D. STURGIS  
LICENSED SURVEYOR AND MAPPER NO. 4829  
STATE OF FLORIDA

CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

PORTION RESUBD. OF BLOCKS 220 AND 221 PROGRESSO AND LOTS 15 AND 16 BLOCK 221 PROGRESSO 20' ACCESS EASEMENT

**WINNINGHAM & FRADLEY, INC.**  
ENGINEERS • PLANNERS • SURVEYORS

111 H.E. 46TH STREET, OAKLAND PARK, FL 33334

954-771-7440 FAX 954-771-0888

ED-0002995  
10-0002995

DRAWN: MOS  
CHECKED:

DATE: 9-10-12  
DATE:

PROJECT NUMBER  
W-7047

SHEET  
1 OF 1



# Lauderdale BMW



July 31, 2013

**Sent Via U.S. Mail  
And Email**

City of Fort Lauderdale  
Public Works Department  
Attention: Hardeep Anand  
100 N. Andrews Avenue  
Fort Lauderdale, FL 33301

**Re: Holman Automotive, Inc., dba Lauderdale BMW of Fort Lauderdale's  
("Holman") – Relocation of Utilities located in Right-of-Way**

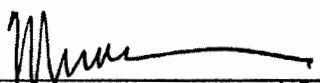
Dear Hardeep:

This letter shall confirm that Holman, its successors or assigns, at its sole cost and expense, shall relocate the City of Fort Lauderdale's utilities located in the right-of-way area described on the attached **Exhibit A**, within twenty-four (24) months of recording the executed Certificate of the City Engineer as set forth in Section 5 of City Ordinance No. C-12-36, recorded in Official Records Book 49189, Page 1304 in the Public Records of Broward County, Florida.

Please let me know if you have any questions regarding the above.

Very truly yours,

HOLMAN AUTOMOTIVE, INC., dba Lauderdale BMW of Fort Lauderdale

By:   
Its: M. George V.P.

Cc: Bob Dunckel (BDunckel@fortlauderdale.gov); Steven Wherry  
(Steven.Wherry@gmlaw.com); Marla Neufeld (Marla.Neufeld@gmlaw.com)

**Address**  
Vehicle Sales  
1400 South Federal Hwy  
Fort Lauderdale  
FL 33316  
www.lauderdalebmw.com

Parts & Service  
1812 South Andrews Ave  
Fort Lauderdale  
FL 33316

**Telephone**  
Vehicle Sales  
(954) 527-3800 (New Sales)  
(954) 527-3300 (Preowned Sales)

Parts & Service  
(954) 524-6207 (Parts)  
(954) 763-4777 (Service)

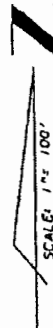
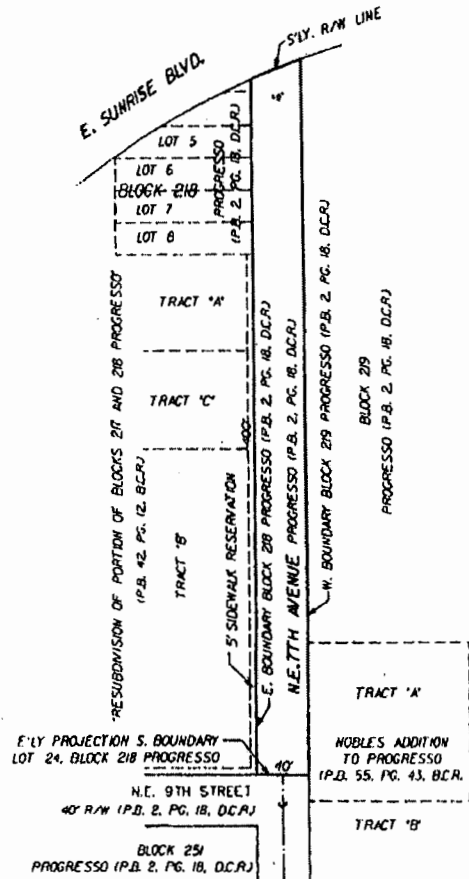
**Fax**  
(954) 527-3838 (New Sales)  
12312383-3 (954) 527-186 (Preowned Sales)  
(954) 525-0550 (Parts)  
(954) 468-3090 (Service)

**EXHIBIT "B"**

# Exhibit A

M.D. O.K.

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BOUNDARY OF LOT 24 IN BLOCK 218 ACCORDING TO SAID PLAT, ON THE WEST BY THE  
EAST BOUNDARY OF SAID BLOCK 218, ACCORDING TO SAID PLAT, ON THE NORTH BY  
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SAID LANDS SITUATE IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA AND  
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LEGEND  
P.B. PLAT BOOK  
PG. PAGE  
B.C.R. BROWARD COUNTY RECORDS  
D.C.R. DADE COUNTY RECORDS

BY: Mark D. Sturgis 9-12-12  
MARK D. STURGIS  
PROFESSIONAL SURVEYOR AND MAPPER NO. 4829  
STATE OF FLORIDA

NOTE:  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER  
THIS IS NOT A SKETCH OF SURVEY. IT IS ONLY THE GRAPHIC  
REPRESENTATION OF THE DESCRIPTION DEPICTED HEREON.

## PROGRESSO

CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

## SKETCH AND DESCRIPTION

VACATE PORTION OF N.E. 7TH AVENUE

WINNINGHAM & FRADLEY, INC.  
ENGINEERS • PLANNERS • SURVEYORS  
11 N.E. 4TH STREET, OAKLAND PARK, FL 33311  
954-771-7400 FAX 954-771-0200

|                |        |        |        |        |
|----------------|--------|--------|--------|--------|
| PROJECT NO.    | DATE   | DATE   | DATE   | DATE   |
| W-07047        | 3-3-08 | 3-3-08 | 3-3-08 | 3-3-08 |
| PROJECT NUMBER |        |        |        | SHEET  |
| W-07047        |        |        |        | 1 OF 1 |