

ORDINANCE NO. C-20-21

AN ORDINANCE VACATING A PORTION OF THAT PLATTED 15.00 FOOT ALLEY LYING IN BLOCK 7, "AMENDED PLAT OF BLOCKS 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 AS RECORDED IN PLAT BOOK 1, PAGE 182 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED NORTH OF NORTHWEST 5TH STREET, SOUTH OF NORTHWEST 6TH STREET, EAST OF NORTHWEST 1ST AVENUE AND WEST OF NORTH ANDREWS AVENUE, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, FAT Village Properties, LLC, applied for the vacation of a 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 May 20, 2020 (PZ Case No. PLN-VAC-19100002), 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" which is attached hereto and incorporated herein; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, July 7, 2020 and Tuesday, August 18, 2020 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 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 in Section 47-24.6.A.4 of the City of Fort Lauderdale Unified Land Development Regulations ("ULDR") as enunciated and memorialized in the minutes of its meetings of July 7, 2020 and August 18, 2020, a portion of those findings expressly listed as follows:

- a. The right-of-way alley will no longer be needed as the alley is included in the redevelopment of the "FAT Village East" project which will have multiple access points to the new development site. The existing access to the alley from both N.W. 5th Street and N.W. 6th Street will remain to the new project. All the properties located along the alley

are under the same ownership and therefore, the alley will no longer be a need for public purpose. However, the public will be able to access the site from the surrounding street network and the applicant is proposing to keep the access in the same location as the existing alley.

- b. The vacation of the right-of-way alley will not require alternate routes as access will be provided through the redevelopment of the "FAT Village East" project and alternative access points are provided through Andrews Avenue and N.W. 1st Avenue.
- c. The vacation of the right-of-way alley will not create vehicular movement issues. The proposed redevelopment will include safe movement into the site and within the site for both vehicular and delivery truck movement. The improvements to the street network as part of the "FAT Village East" project will enhance the safety of vehicles and pedestrians in and around the area.
- d. Pedestrian traffic will not be impacted by the right-of-way vacation as there are extensive sidewalks proposed along the perimeter of the new redevelopment project which will provide enhanced pedestrian movement in and around the project and adjacent area.
- e. The applicant has obtained letters of no objection from impacted franchise utilities and the City's Public Works Department. The franchise utility company letters state that some utilities exist within the alley and the applicant will be responsible for relocation.

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

SECTION 1. That the above recitals are true and correct and incorporation herein.

SECTION 2. That the public right-of-way located north of Northwest 5th Street, south of Northwest 6th Street, east of Northwest 1st Avenue and west of North Andrews Avenue, 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.

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.

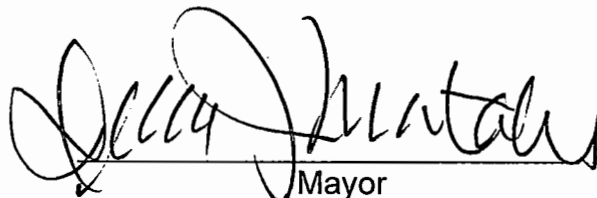
SECTION 6. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain 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 immediately upon 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 7th day of July, 2020.

PASSED SECOND READING this 18th day of August, 2020.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI



McLAUGHLIN ENGINEERING COMPANY
LB#285

ENGINEERING * SURVEYING * PLATTING * LAND PLANNING
1700 N.W. 64th STREET #400, FORT LAUDERDALE, FLORIDA 33309
PHONE (954) 763-7611 * FAX (954) 763-7615

Michael Donaldson
Digitally signed by Michael Donaldson
Date: 2020.06.05 06:59:50 -04'00'

EXHIBIT "A"

**SKETCH AND DESCRIPTION
TO ACCOMPANY VACATION PETITION
ALLEY IN BLOCK 7,
NORTH LAUDERDALE, AMENDED
(PLAT BOOK 1, PAGE 182, D.C.R.)
SHEET 1 OF 2 SHEETS**

LEGAL DESCRIPTION:

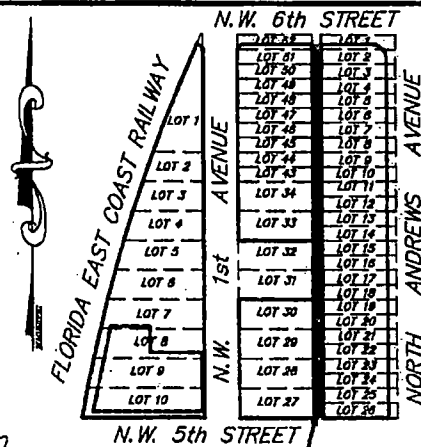
A portion of that certain 15.00 foot platted ALLEY in Block 7, AMENDED PLAT OF BLOCKS 2, 3, 4, 5, 6, 7, 8, 25, 26, 27, 28, 29, 30, 31, 32 AND 33 OF NORTH LAUDERDALE, according to the plat thereof, as recorded in Plat Book 1, Page 182, of the public records of Dade County, Florida more fully described as follows:

Beginning at the Southwest corner of Lot 26, of said Block 7; thence North 00°00'00" East, on the East line of Lots 26 to 1, a distance of 633.47 feet; thence South 89°59'00" West, on the extension of the South right-of-way line of N.W. 6th Street, being a line 35.00 feet South of and parallel with the North line of the South one-half of Section 3, Township 50 South, Range 42 East, a distance of 15.00 feet; thence South 00°00'00" East, on the East line of Lots 52 to 26, of said Block 7, a distance of 633.47 feet; thence North 90°00'00" East, on the Easterly extension of the South line of said Lot 27, being the extension of the North right-of-way line of N.W. 5th Street, a distance of 15.00 feet to the Point of Beginning.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 9,502 square feet or 0.2181 acres more or less.

NOTES:

- 1) This sketch reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Legal description prepared by McLaughlin Engineering Co.
- 3) This drawing is not valid unless sealed with an appropriate surveyors seal.
- 4) THIS IS NOT A BOUNDARY SURVEY.
- 5) Bearings shown assume the East line of Block 7, as North 00°00'00" East.



**THIS SKETCH
SITE LAYOUT
NOT TO SCALE**

CERTIFICATION

Certified Correct. Dated at
Fort Lauderdale, Florida this
11th day of February, 2020.

McLAUGHLIN ENGINEERING COMPANY

JERALD A. McLAUGHLIN
Registered Land Surveyor No. 5269
State of Florida.

FIELD BOOK NO. _____

DRAWN BY: JMMjr _____

JOB ORDER NO. V-4802, V5015 _____

CHECKED BY: _____
C: JMMjr/2019/V4659 (FAT VILLAGE PLAT)

REF. DWG.: 19-3-022



McLAUGHLIN ENGINEERING COMPANY
LB#285

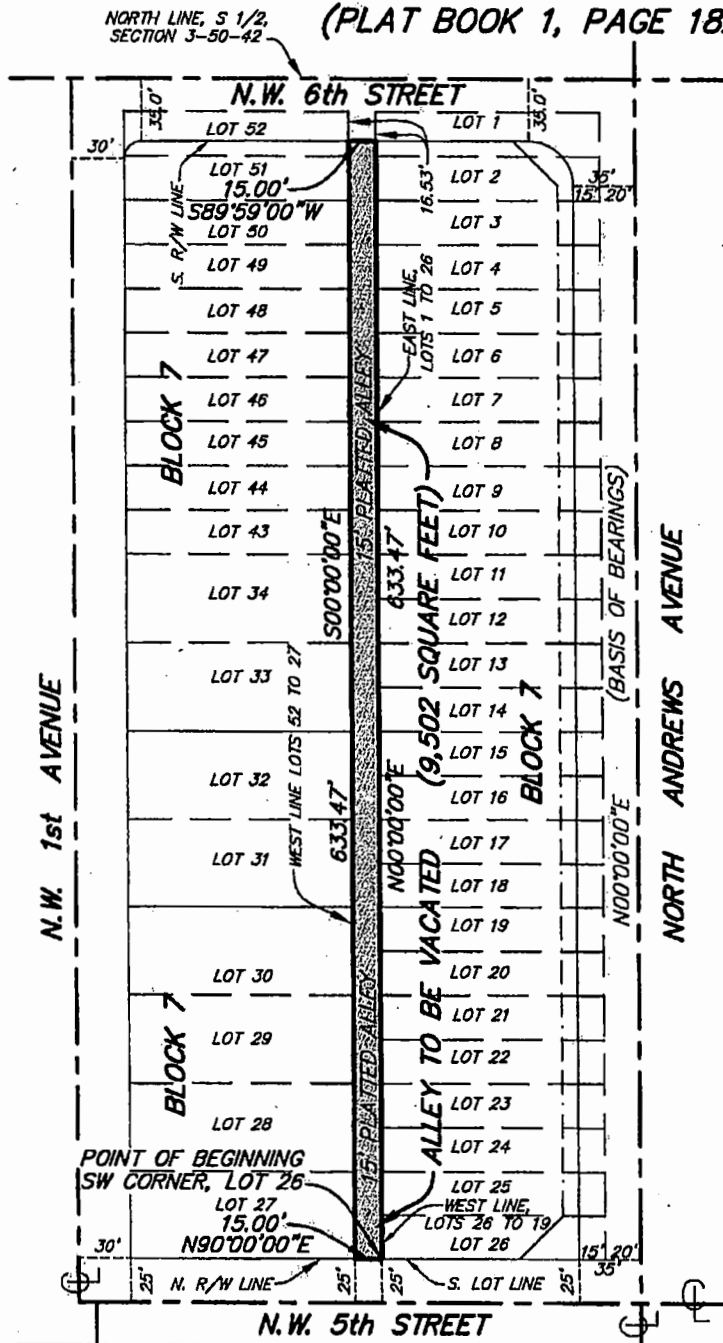
ENGINEERING * SURVEYING * PLATTING * LAND PLANNING
1700 N.W. 64th STREET #400, FORT LAUDERDALE, FLORIDA 33309
PHONE (954) 763-7611 * FAX (954) 763-7615

SCALE 1" = 100'

SHEET 2
OF 2 SHEETS

**SKETCH AND DESCRIPTION
TO ACCOMPANY VACATION PETITION
ALLEY IN BLOCK 7,
NORTH LAUDERDALE, AMENDED
(PLAT BOOK 1, PAGE 182, D.C.R.)**

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15.00 foot platted Alley
in, Block 7, AMENDED
PLAT OF BLOCKS 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, as
recorded in Plat Book 1,
Page 182, of the public
records of Dade County,
Florida more fully
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JERALD A. McLAUGHLIN
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CHECKED BY: _____

REF. DWG.: 19-3-022

C: \JMMjr\2019\V4659 (FAT VILLAGE PLAT)

EXHIBIT "B"

**CONDITIONS OF APPROVAL
CASE NO. PLN-VAC-19100002**

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.