

ORDINANCE NO. C-22-47

AN ORDINANCE VACATING THAT PORTION OF VALENCIA STREET (AVENUE VALENCIA PLATTED) RIGHT-OF-WAY LYING WEST OF NORTH BIRCH ROAD (BURCH BOULEVARD PLATTED), "LAUDERDALE DEL MAR" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 30 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BOUNDED ON THE EAST BY THE WESTERLY RIGHT-OF-WAY LINE OF NORTH BIRCH ROAD, BOUNDED ON THE WEST BY THE EASTERLY RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY (NEW RIVER SOUND), BOUNDED ON THE NORTH BY THE SOUTH LINE OF BLOCK 11 OF SAID PLAT, AND BOUNDED ON THE SOUTH BY THE NORTH LINE OF BLOCK 12 OF SAID PLAT, LOCATED WEST OF NORTH BIRCH ROAD, NORTH OF CORTEZ STREET, EAST OF THE INTRACOASTAL WATERWAY AND SOUTH OF CASTILLO STREET, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, City of Fort Lauderdale, Florida, 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 August 17, 2022 (PZ Case No. UDP-V20003), 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, October 18, 2022, at 6:00 o'clock P.M., and Tuesday, November 1, 2022, 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 October 18, 2022 and November 1, 2022, a portion of those findings expressly listed as follows:

1. At the subject location, Valencia Street dead-ends into the Intracoastal Waterway. The right-of-way is currently utilized as Portofino condominium's vehicular accessway, for which the applicant is proposing to grant a 498 square-foot access easement over their portion of the vacated area. As part of the vacation certification, the City and franchise utility providers will be provided with utility relocations or easements for their respective infrastructure, as needed.
2. Portofino condominium property owners will continue to have access through their half of the vacated right-of-way as well as through the proposed access easement.
3. Pedestrian traffic will not be impacted to destinations in the immediate area, with exception of the Intracoastal waterway at this location. Incomplete sidewalks currently exist in the area proposed to be vacated.
4. Applicant will relocate all utilities to the satisfaction of the respective utility owners or will grant an easement over the existing right-of-way for the utilities that will remain, as applicable. The applicant proposes utility access easements over the vacated area as shown on the Utility Easement Exhibit included as part of Exhibit 1 to Commission Agenda Memo No. 22-1044. Applicant has provided utility letters from all applicable utility companies, included as part of Exhibit 2 to Commission Agenda Memo No. 22-1044.

SECTION 2. That the public right-of-way located west of North Birch Road, north of Cortez Street, east of the Intracoastal Waterway and south of Castillo Street, 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.

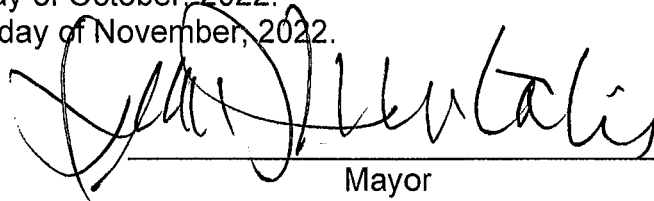
SECTION 5. That all ordinances or parts of ordinances in conflict herewith, are hereby repealed.

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 18th day of October, 2022.
PASSED SECOND READING this 1st day of November, 2022.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN

M.D.O.K.



SKETCH AND LEGAL DESCRIPTION

BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • E-MAIL: surveys@pulicelandsurveyors.com

CERTIFICATE OF AUTHORIZATION LB#3870



LEGAL DESCRIPTION: VALENCIA STREET RIGHT-OF-WAY VACATION

ALL THAT PORTION OF VALENCIA STREET RIGHT-OF-WAY (AVENUE VALENCIA), AS DEDICATED BY "LAUDER DEL MAR", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 30, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BOUND ON THE EAST BY THE WESTERLY RIGHT-OF-WAY LINE OF NORTH BIRCH ROAD AND BOUND ON THE WEST BY THE EASTERLY RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY (NEW RIVER SOUND), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERLY SOUTHEAST CORNER OF LOT 11, BLOCK 11 OF SAID "LAUDER DEL MAR", SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF NORTH BIRCH ROAD; THENCE SOUTH 24°59'15" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE 111.24 FEET TO A POINT OF CUSP OF A CIRCULAR CURVE CONCAVE SOUTHWESTERLY, AT THE EASTERLY NORTHEAST CORNER OF LOT 1, BLOCK 12 OF SAID "LAUDER DEL MAR"; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID VALENCIA STREET, ALSO BEING THE NORTHERLY LINE OF SAID LOT 1, BLOCK 12, THE FOLLOWING TWO COURSES AND DISTANCES; 1) NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 115°59'00", FOR AN ARC LENGTH OF 50.61 FEET TO A POINT OF TANGENCY; 2) SOUTH 89°00'15" WEST 85.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY (NEW RIVER SOUND), SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 24°59'15" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF VALENCIA STREET 55.62 FEET TO THE SOUTHWEST CORNER OF AFOREMENTIONED LOT 11, BLOCK 11, ALSO BEING THE NORTHERLY RIGHT-OF-WAY LINE OF SAID VALENCIA STREET; THENCE ALONG SAID SOUTHERLY LINE OF SAID LOT 11 AND SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOW TWO COURSES AND DISTANCES; 1) NORTH 89°00'15" EAST 109.37 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE NORTHWESTERLY; 2) NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 64°01'00", FOR AN ARC LENGTH OF 27.93 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA AND CONTAINING 6,659 SQUARE FEET (0.1529 ACRES), MORE OR LESS.

NOTES:

- 1) BEARINGS ARE BASED ON NORTH AMERICAN DATUM OF 1929, WITH 1990 ADJUSTMENT, FL-E, FROM FIELD OBSERVATION USING GLOBAL POSITIONING SYSTEM EQUIPMENT WITH THE WESTERLY RIGHT-OF-WAY LINE OF NORTH BIRCH ROAD BEING SOUTH 24°59'15" WEST.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 4) ALL RECORDED DOCUMENTS ARE PER THE PUBLIC RECORDS OF BROWARD COUNTY.

FILE: LAS OLAS HARBOR CLUB LLC	
SCALE: N/A	DRAWN: BB
ORDER NO.: 67803	
DATE: 11/5/20	
VALENCIA STREET RIGHT-OF-WAY VACATION	
FORT LAUDERDALE, BROWARD COUNTY, FLORIDA	
FOR: ONE BIRCH	

SHEET 1 OF 2

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2

- JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
- BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
- VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
- DONNA C. WEST, PROFESSIONAL SURVEYOR AND MAPPER LS4290
STATE OF FLORIDA

M. O. O.K.



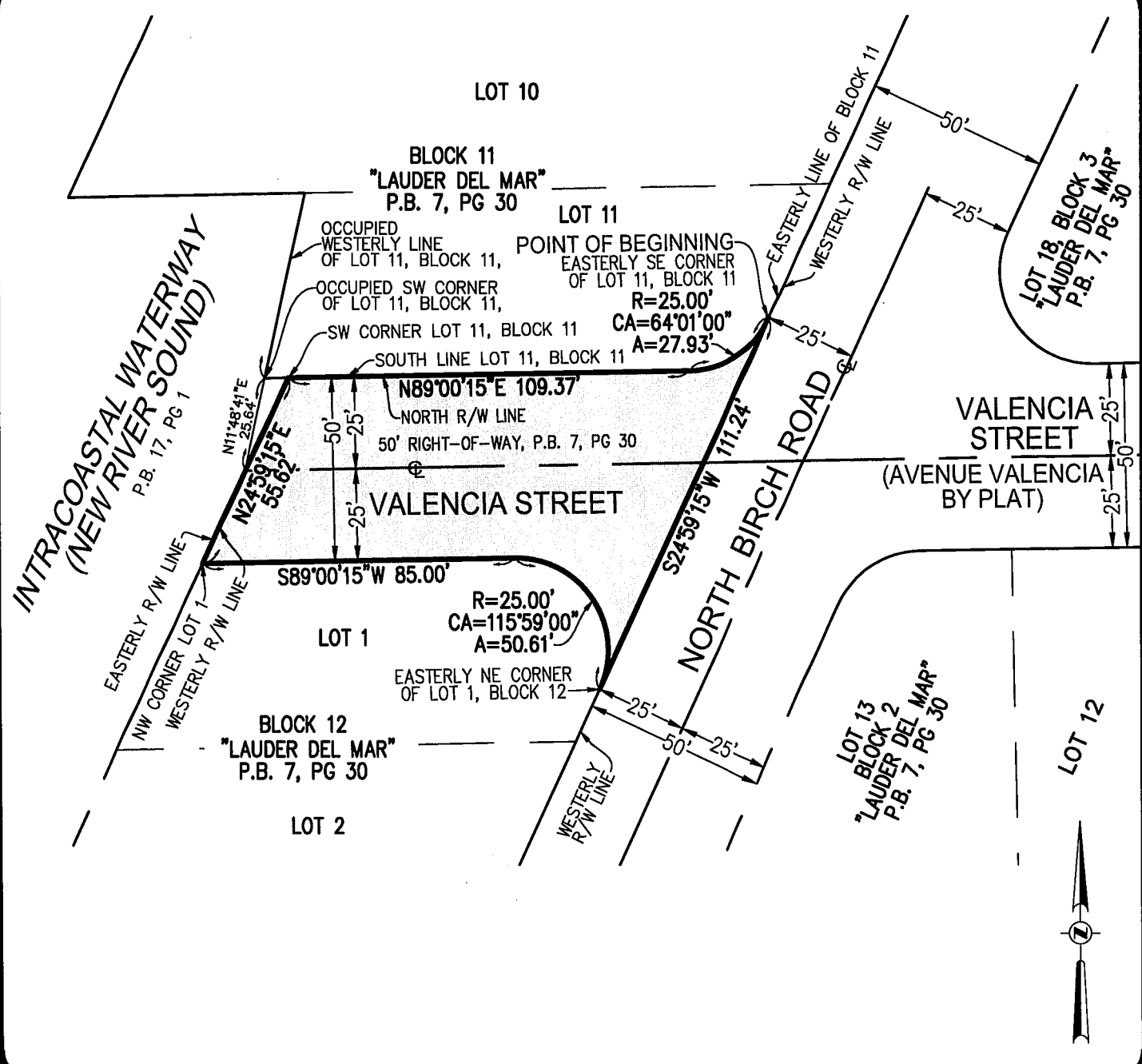
SKETCH AND LEGAL DESCRIPTION
BY

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SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • E-MAIL: surveys@pulicelandsurveyors.com

CERTIFICATE OF AUTHORIZATION LB#3870



FILE: LAS OLAS HARBOR CLUB LLC	
SCALE: 1" = 40'	DRAWN: BB
ORDER NO.: 67803	
DATE: 11/5/20	
VALENCIA STREET RIGHT-OF-WAY VACATION	
FORT LAUDERDALE, BROWARD COUNTY, FLORIDA	
FOR: ONE BIRCH	

SHEET 2 OF 2

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2

LEGEND:

⊙	CENTERLINE		
O.R.B.	OFFICIAL RECORDS BOOK		
R/W	RIGHT-OF-WAY		
R=	RADIUS	P.B.	PLAT BOOK
CA=	CENTRAL ANGLE	PG	PAGE
A=	ARC LENGTH		

EXHIBIT "B"

**CONDITIONS OF APPROVAL
CASE NO. UDP-V20003**

1. Applicant will coordinate and provide proposed access to accommodate vehicular turning movements and utility easements over portions of the vacated area as depicted on page 4 and page 5 of Exhibit 1 to Commission Agenda Memo No. 22-1044.
2. A public utility easement shall be granted over the entire vacated 50-foot right-of-way between the Intracoastal Waterway and N. Birch Road for Public Works access, maintenance, and future infrastructure improvements for the exclusive use of public utilities. No easement rights may be granted of this easement area for any private utilities. Any installation of landscape improvements within the granted public utility easement will require approval from the City.
3. AT&T has conditioned its consent to the vacation on the relocation of existing AT&T facilities associated within the proposed project and encroachments at the owner's expense.
4. Prior to the execution of the Engineer's Certificate, letters from utility owners who have conditioned their consent to the vacation shall be provided to the City Engineer or designee indicating the removal, relocation, or satisfaction of any applicable conditions. 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.
5. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, or easements granted, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department.
6. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at applicant's expense, or easements granted, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider.