

ORDINANCE NO. C-22-23

AN ORDINANCE VACATING THAT CERTAIN 10-FOOT WIDE PLATTED ALLEY ADJACENT TO LOTS 3 AND 6, "FISHER SUBDIVISION, LOT 1, BLOCK 58", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1 AT PAGE 34 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LESS THAT PORTION TAKEN FOR STATE ROAD 5 WIDENING, LOCATED NORTH OF SOUTHEAST 8TH STREET, SOUTH OF SOUTHEAST 7TH STREET, WEST OF SOUTH FEDERAL HIGHWAY (STATE ROAD 5) AND EAST OF SOUTHEAST 4TH 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, Federal Highway Holdings, 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 18, 2022 (PZ Case No. UDP-V21007), 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 5, 2022, and Tuesday, August 16, 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 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 5, 2022 and August 16, 2022, a portion of those findings expressly listed as follows:

- a. The alley was originally dedicated by the "Fisher Subdivision, Lot 1 Block 58, of the Town of Fort Lauderdale, Florida" Plat (Plat Book 1 Page 34). Currently, it is not being used as an alley. In 1998, a one-story office building was constructed over the subject alley.
- b. The alley is not currently used for pedestrian or vehicle traffic. The surrounding roadway network is not affected by this alley vacation request. Abutting properties to the north, east and west continue to have access from either SE 7th Street or SE 8th Street.
- c. The closure of the alley will continue to provide safe areas for vehicles to turn and exit the area via Federal Highway and SE 8th Street.
- d. The alley is not currently used for pedestrian traffic. Pedestrians will be able to continue to use the adjacent roadway network for travel.
- e. There are currently no franchise and public utilities within the subject right-of-way. Applicant has provided letters of no objection from AT&T, Comcast, City of Fort Lauderdale and TECO Gas stating no objection to the vacation request.

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 Southeast 8th Street, south of Southeast 7th Street, west of South Federal Highway (State Road 5) and east of Southeast 4th 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.

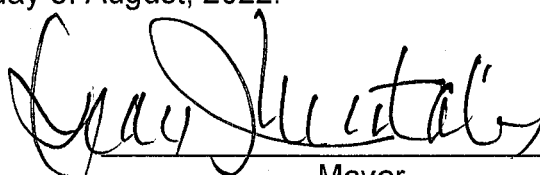
SECTION 5. That all ordinances or parts of ordinances in conflict herewith, are hereby repealed.

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.

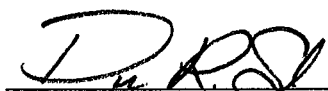
SECTION 8. That this Ordinance shall be in full force and effect immediately upon recordation in the public records of Broward County, Florida, of a certificate executed by the City Engineer evidencing that all conditions listed on Exhibit "B" attached hereto have been met. The applicant shall provide a copy of the recorded certificate to the City.

PASSED FIRST READING this 5th day of July, 2022.
PASSED SECOND READING this 16th day of August, 2022.

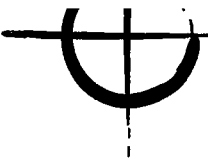


Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN



SKETCH & DESCRIPTION

10 FOOT ALLEY VACATION

LEGAL DESCRIPTION:

ALL OF THE 10 FOOT ALLEY RIGHT OF WAY SITUATED BETWEEN LOTS 3 AND 6 OF FISHER SUBDIVISION, LOT 1, BLOCK 58, OF THE TOWN OF FORT LAUDERDALE, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 34, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LESS THAT PORTION OF SAID LOTS 3 AND 6 TAKEN FOR STREET WIDENING FOR STATE ROAD 5.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA AND CONTAINS 1,240 SQUARE FEET MORE OR LESS.

LEGEND & ABBREVIATIONS:

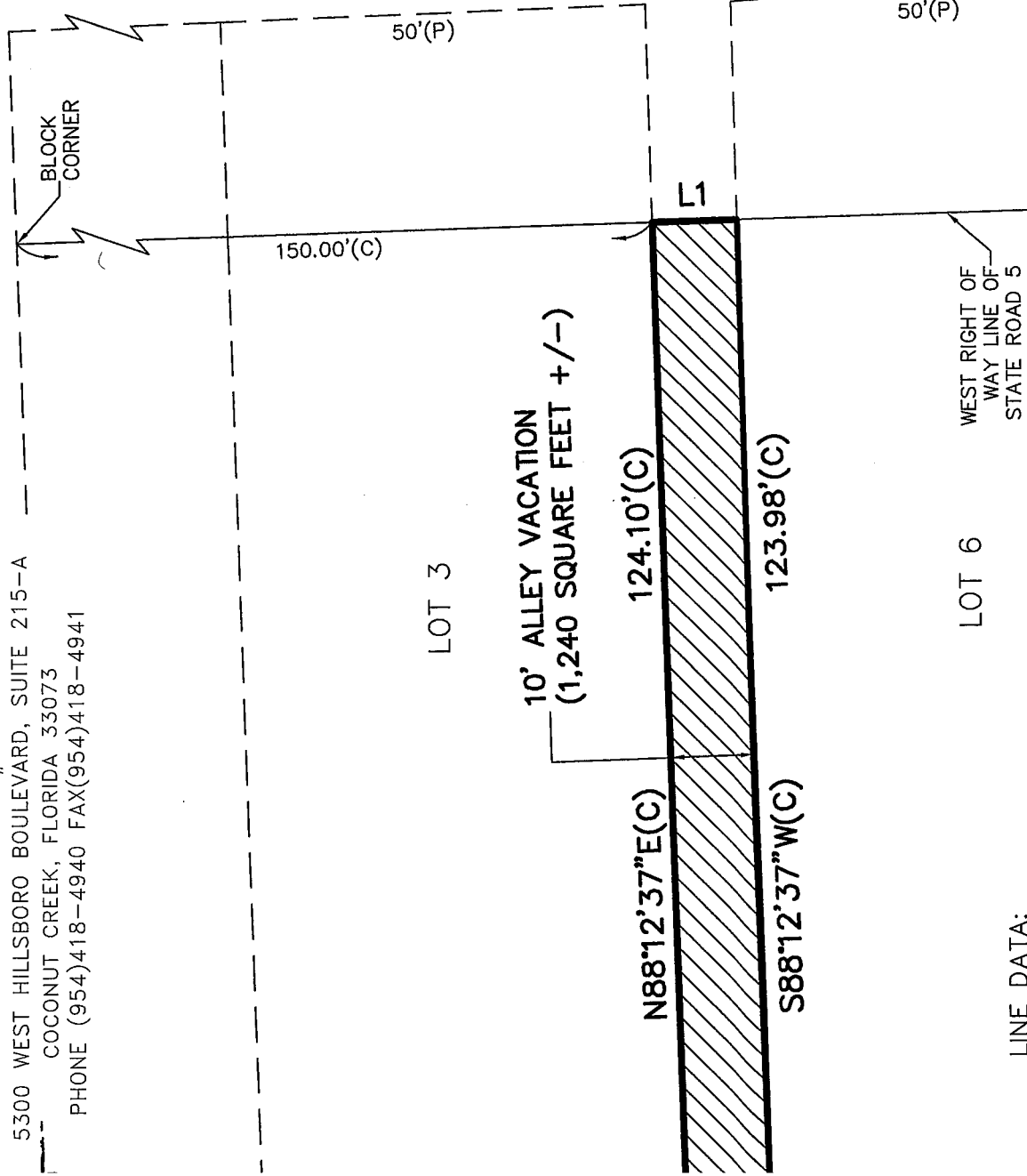
- ☉ - CENTERLINE
- C - CALCULATED
- P - PLAT CALL
- P.B. - PLAT BOOK
- PG. - PAGE
- FDOT - FLORIDA DEPARTMENT OF TRANSPORTATION

GENERAL NOTES:

1. THIS IS NOT A SURVEY.
2. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD BY PINNELL SURVEY, INC.
3. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF NORTH 88°12'37" EAST ALONG THE SOUTH LINE OF LOT 3, OF FISHER SUBDIVISION, LOT 1, BLOCK 58, OF THE TOWN OF FORT LAUDERDALE, FLORIDA, PLAT BOOK 1, PAGE 34, DADE COUNTY RECORDS.
5. SKETCH PREPARED 11/03/21

PINNELL SURVEY, INC. S.E. 7th STREET

LICENSED BUSINESS #6857
5300 WEST HILLSBORO BOULEVARD, SUITE 215-A
COCONUT CREEK, FLORIDA 33073
PHONE (954)418-4940 FAX(954)418-4941



(100' RIGHT-OF-WAY, PER FDOT MAP SECTION 86010-2502, SHEET 4 OF 6)

50.00'

LINE DATA:
L1: S01°30'23\"E(C) 10.00'
L2: N02°12'23\"W(C) 10.00'

SCALE: 1" = 20'
DRAWN BY: Q.D.I.
SKETCH NO.: 21
SIDE 2 OF 2

**CONDITIONS OF APPROVAL
CASE NO. UDP-V21007**

1. Any city infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant; or a utilities easement shall be retained over the right-of-way area or portion thereof; or a utilities easement shall be provided in a different location to the satisfaction of the City; or any combination of same and utilities maintenance shall not be disrupted. Any relocated facilities or facilities provided in a different location shall be required to be inspected and accepted by the 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; or a utilities easement shall be retained over the right-of-way area or portion thereof; or a utilities easement shall be provided in a different location to the satisfaction of the City; or any combination of same and utilities maintenance shall not be disrupted. 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.