

ORDINANCE NO. C-18-08

AN ORDINANCE VACATING A PUBLIC RIGHT-OF-WAY, A PORTION OF THE PLATTED 15-FOOT ALLEY LYING SOUTH OF LOT 16 AND 33, BLOCK 322, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED WEST OF NORTHWEST 3RD AVENUE, NORTH OF NORTHWEST 6TH STREET (SISTRUNK BOULEVARD), EAST OF NORTHWEST 4TH AVENUE AND SOUTH OF NORTHWEST 7TH STREET, ALL SAID LANDS 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, Gospel Arena of Faith, Inc. 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 February 21, 2018 (PZ Case No. V17010), 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 temporary utility easement retained~~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, April 3, 2018 and Tuesday, April 17, 2018 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

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions; words, symbols, and letters double underlined are additions added after first reading; words, symbols and letters ~~double stricken~~ are deletions from the version presented at first reading.

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. That the public right-of-way located west of N.W. 3rd Avenue, north of N.W. 6th Street (Sistrunk Boulevard), east of N.W. 4th Avenue and south of N.W. 7th 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.

SECTION 2. That the above-described right-of-way is retained by the City as a temporary utility easement. The temporary utility easement shall automatically terminate upon satisfaction of the conditions listed on Exhibit "B" attached hereto and made a part hereof.

SECTION 23. 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 34. 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 45. That all ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 56. 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.

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SECTION 67. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 78. That this Ordinance shall be in full force and effect immediately upon adoption ~~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 the 3rd day of April, 2018.

PASSED SECOND READING this the 17th day of April, 2018.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI

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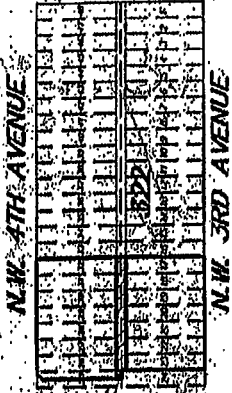
McLAUGHLIN ENGINEERING COMPANY
LB#285
 ENGINEERING * SURVEYING * PLATTING * LAND PLANNING
 1700 N.W. 6th STREET #400, FORT LAUDERDALE, FLORIDA
 33309 PHONE (954) 763-7611 * FAX (954) 763-7615

M.D. O.K.

SCALE 1" = 50'

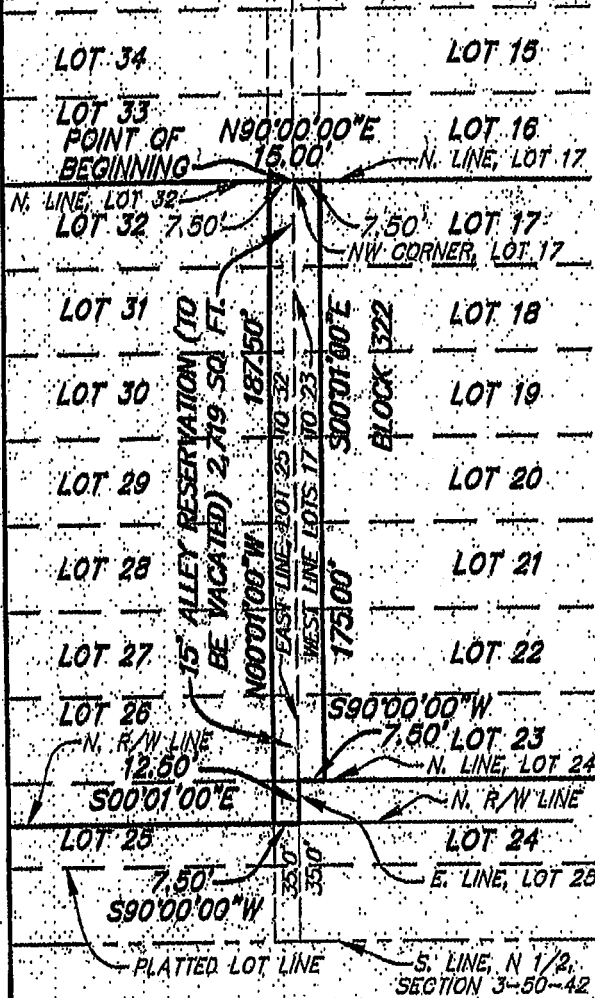
**SKETCH AND DESCRIPTION
 TO ACCOMPANY VACATION PETITION
 15' ALLEY VACATION
 PORTION BLOCK 322, PROGRESSO.**

N.W. 7TH STREET



N.W. 6th STREET

**SITE LAYOUT
 NOT TO SCALE**



LEGAL DESCRIPTION:

The West 7.50 feet of Lots 17 to 23, AND the East 7.50 feet of Lots 26 to 32, AND ALSO that portion of Lot 25, lying North of the North right-of-way line of N.W. 6th Street, All in Block 322, PROGRESSO, according to the Plat thereof, as recorded in Plat Book 2, Page 16, of the public records of Dade County, Florida, more fully described as follows:

Beginning at the Northwest corner of said Lot 17, thence South 00°01'00" East, on a line 7.50 feet East of and parallel with the West line of said Lots 17 to 23, a distance of 175.00 feet; thence South 00°00'00" West, on the South line of said Lot 23, being the North right-of-way line of N.W. 6th Street, a distance of 7.50 feet; thence South 00°01'00" East, a distance of 12.50 feet; thence South 00°00'00" West, on the North right-of-way line of said N.W. 6th Street, a distance 7.50 feet; thence North 00°01'00" West, on a line 7.50 West of parallel with the East line of said Lots 26 to 32, a distance of 187.50 feet; thence North 00°00'00" East, on the North line of said Lot 32, a distance of 7.50 feet to the Point of Beginning.

Said land situate, lying and being in the City of Fort Lauderdale, Broward County, Florida, and containing 2.719 square feet or 0.0624 acre, more or less.

CERTIFICATION

Certified Correct. Dated at Fort Lauderdale, Florida this 1st day of September, 2017.
 Revised this 11th day of January, 2018.

McLAUGHLIN ENGINEERING COMPANY
 JAMES M. McLAUGHLIN JR.
 Registered Land Surveyor No. 4497
 State of Florida.

- 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 embossed surveyor seal.
 - 4) THIS IS NOT A BOUNDARY SURVEY.
 - 5) Bearings shown assume the East line of Lots 26 to 32, as North 00°01'00" East.

FIELD BOOK NO. _____

DRAWN BY: JMMjr

JOB ORDER NO. V-2633

CHECKED BY: _____

C: \JMMjr\2017\2633 (VAC)

EXHIBIT "B"

CONDITIONS OF APPROVAL
CASE NO. V17010

- ~~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 listed in the ordinance have been met. A copy of the recorded certificate must be provided to the City.~~
1. Any utility infrastructure located within the temporary utility easement area shall be relocated or removed at the expense of the applicant, and the relocated or removed facilities shall be required to be inspected and accepted by the applicable utility agency or service provider. The retention of the temporary utility easement shall not prevent the City from issuing a building permit to construct improvements within the temporary utility easement area, provided that a utility relocation/removal plan is included in the building permit application. Applicant will be permitted to close and restrict access to the temporary utility easement area for purposes of conducting the relocation or removal of the utilities.
 2. The temporary utility easement will automatically terminate on the date an Engineer Certificate, executed by the City Engineer, is recorded in the public records of Broward County, Florida. The certificate shall state that all utilities located within the temporary utility easement area have been relocated or removed. A copy of the recorded certificate must be provided to the City.