## **RESOLUTION NO. 24-49**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE EAST 20.00 FEET OF THAT CERTAIN RETAINED UTILITIES EASEMENT ABOVE A PORTION OF THE SOUTHWEST 3<sup>RD</sup> AVENUE RIGHT OF WAY VACATED BY ORDINANCE NO. C-99-66 RECORDED IN OFFICIAL RECORDS BOOK 29983, PAGE 188, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED WEST OF SOUTHWEST 4<sup>TH</sup> AVENUE, NORTH OF SOUTHWEST 14<sup>TH</sup> STREET, EAST OF FLORIDA EAST COAST RAILWAY AND SOUTH OF SOUTHWEST 13<sup>TH</sup> STREET, ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, under the provisions of Section 47-24.7 of the City of Fort Lauderdale, Florida Unified Land Development Regulations (hereinafter "ULDR"), USD Tarpon River, LLC is applying for the vacation of the east 20.00 feet of that certain retained utilities easement above a portion of the Southwest 3<sup>rd</sup> Avenue right of way vacated by Ordinance No. C-99-66, recorded in Official Records Book 29983, Page 188 of the Public Records of Broward County, Florida (PZB Case No. UDP-EV23009) more fully described in <u>SECTION 2</u> below, located west of Southwest 4<sup>th</sup> Avenue, north of Southwest 14<sup>th</sup> Street, east of Florida East Coast Railway and south of Southwest 13<sup>th</sup> Street, Fort Lauderdale, Florida; and

WHEREAS, pursuant to the provisions of the aforementioned Section 47-24.7 of the ULDR, all utilities known to have an interest have been notified and have no objection to the vacation of the easement; and

WHEREAS, the Development Services Department has made the required reports and has also recommended the vacation of the easement, certifying that the same will not be required to serve the property;

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

<u>SECTION 1</u>. The City Commission finds that the application for vacation of easement meets the criteria of Section 47-24.7 of the ULDR as enunciated and memorialized in the minutes of its meeting of February 20, 2024, a portion of those findings expressly listed as follows:

1. Letters of no objection from the utility companies are included in this submission, stating that they have no objection to the vacation of the

easement on owner's property. According to the letters of no objection, there are no active utilities located within the drainage easement. Therefore, this easement is no longer needed for public purposes.

2. Applicant has provided letters of no objection from TECO, AT&T, FPL, Comcast, and the City's Public Works Department.

<u>SECTION 2</u>. That the below described easement is hereby vacated and shall no longer constitute easements for utilities, subject to the conditions provided in SECTION 3 of this resolution:

THE EAST 20.00 FEET OF THAT CERTAIN RETAINED UTILITY EASEMENT OF VACATED SOUTHWEST 3<sup>RD</sup> AVENUE RIGHT OF WAY, RECORDED IN OFFICIAL RECORDS BOOK 29983, PAGE 188, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

More particularly described in Exhibit "A" attached.

Location: West of Southwest 4<sup>th</sup> Avenue, north of Southwest 14<sup>th</sup> Street, east of Florida East Coast Railway and south of Southwest 13<sup>th</sup> Street

<u>SECTION 3</u>. That the vacation of the easement shall not be effective until the applicant demonstrates compliance with the following conditions:

- 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 easements will be dedicated at the new location, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department.
- 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 easements will be dedicated at the new location, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider.
- 3. The vacating resolution 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

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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.

<u>SECTION 4</u>. That a copy of this Resolution shall be recorded in the Public Records of Broward County within 30 days from the date of final passage.

<u>SECTION 5</u>. That the approval of the vacation of the easement shall expire in 24 months from the date of final passage of this resolution if the certificate required in Section 3, paragraph 3 of this resolution has not been recorded in the public records of Broward County, Florida.

<u>SECTION 6</u>. 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.

<u>SECTION 7</u>. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

ADOPTED this 20th day of February, 2024.

Mayor

**DEAN J. TRANTALIS** 

ATTEST:

City Clerk

DAVID R. SOLOMAN

APPROVED AS TO FORM AND CORRECTNESS:

City Attorney

THOMAS J. ANSBRO

Dean J. Trantalis

Yea

John C. Herbst

Yea

Steven Glassman

Yea

Pamela Beasley-Pittman

Yea

Warren Sturman

Yea



## McLAUGHLIN ENGINEERING COMPANY LB 285 A DIVISION OF CONTROL POINT ASSOCIATES, INC. LB 8137





SCALE 1" = 50'	SKETCH AND DESCRIP	2710N S.W. 12th CT.
\$1.2	A PORTION OF S.W. 3rd A	
XXX 34, SECTION 7 PARK 0, B.C.R	FORT LAUDERDALE, F TO VACATE	- 1 m (n)
X 20 0	THE EAST ONE-HALF	
ER SENT F	RETAINED UTILITY EASEN	ENT SET SON
288	(O.R. 29983, PG. 188, B.	
250	PAN RICHT-OF	WAY RAIL OF RAIL
10.57 8 15.00 8 15.00 8	B.C.R. = BROWARD RECORD	S 8 8
7886	RECORD.  P.B.= PLAT BOOK  OR. = OFFICIAL R  OR. = OFFICIAL R  OR. = OFFICIAL R	
	PG = PAGE G = CENTERLINE	CITE I AMOUT
S.W. 13th STREE	Y 1521 Y	SCRIPTION: NOT TO SCALE
00.06N	A portion	of the East one-half (E 1/2) of vacated Avenue right-of-way, now vacated and
SOUTH R/W LINE 25.0	00'- ci retained o	s a Utility Easement, as recorded in Official
50.		ook 29983, Page 188, of the public records  1 County, Florida. West of and adjacent to
1.	In Block One	of SURLESS'S, according to the plat a recorded at Plat Book 91, Page 15,
8×8		ords of Broward County, Florida, bounded
A3. ECTION PARRY B.C.Y	Control of the Source of Bonds	
20, 1 20, 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	A 1 B C South	on the North by the Easterly extension of right-of-way line of Southwest 13th Street
BLOCK WER SI SANT S. 20,	Source 122. 4 VE. 122.	ded on the South by the Easterly projection porollel with and ten (10) feet North of the
- VI 2	S.W. S. South line Sou	of Lot 1, Block 43, SOUTH RIVER SECTION, T PARK, according to the Plat thereof as
7 F 80 80 11 15 15 15 15 15 15 15 15 15 15 15 15	No. 2000 South line CROISSAN Recorded of Records of Street South line Street South line Street South line Sout	in Plat Book 8, Page 20, of the Public f Broward County, Florida, and Bounded on
LOT LOT OF CR OP CR P.B. 8,	The Fast	by the West line of Block One, SURLESS'S
809.	Book 91,	rding to the Plat thereof, recorded in Plat Page 15 of the Public Records of Broward
	- County, Fi	orida and Bounded on the West by the of said Southwest 3rd Avenue
40' 0147770 41154	25'0 centerline right-of-	way, (50 foot right-of-way).
16' PLATTED ALLEY	Soid land:	situate, lying and being in the City of Fort
LOT 26, BLOCK 43,	22 2 2,000 340	e, Broward County, Florida and containing are feet or 0.0702 acres, more or less.
CO. 20, SCOOK 10,	MEST B	<u>CERTIFICATION</u>
		Certified Correct. Dated at Fort Lauderdale, Florida this 6th day of October, 2023.
NOTES:		Revised Title this 5th day of January, 2024. Revised Title per the City this 19th and
shown on above referenced record plat(s). The subject property 20th days of January, 2024.		
was not abstracted for other easements, road reservations or rights-of-way of record by McLaughlin Engineering Company:  A DIVISION OF CONTROL POINT ASSOC. INC.		
Legal description prepared by McLaughtin Engineering Co.     This drawing is not valid unless sealed with an appropriate  Digitally signed		
surveyors seal. 4) THIS IS NOT A BOUNDARY SURVEY.		
5) Bearings shown assume the East line of Black 1, as South 00'00'00" East.  Dave 1901-02-20 No. LS5269 South 00'00" East.		
		B442-
FIELD BOOK NO.		DRAWN BY: MMF