

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 3RD 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 4TH AVENUE, NORTH OF SOUTHWEST 14TH STREET, EAST OF FLORIDA EAST COAST RAILWAY AND SOUTH OF SOUTHWEST 13TH 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 3rd 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 SECTION 2 below, located west of Southwest 4th Avenue, north of Southwest 14th Street, east of Florida East Coast Railway and south of Southwest 13th 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:

SECTION 1. 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.

SECTION 2. 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 3RD 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 4th Avenue, north of Southwest 14th Street, east of Florida East Coast Railway and south of Southwest 13th Street

SECTION 3. 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

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.

SECTION 4. 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.

SECTION 5. 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.

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.

ADOPTED this 20th day of February, 2024.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN

Dean J. Trantalis Yea

John C. Herbst Yea

APPROVED AS TO FORM
AND CORRECTNESS:



City Attorney
THOMAS J. ANSBRO

Steven Glassman Yea

Pamela Beasley-Pittman Yea

Warren Sturman Yea

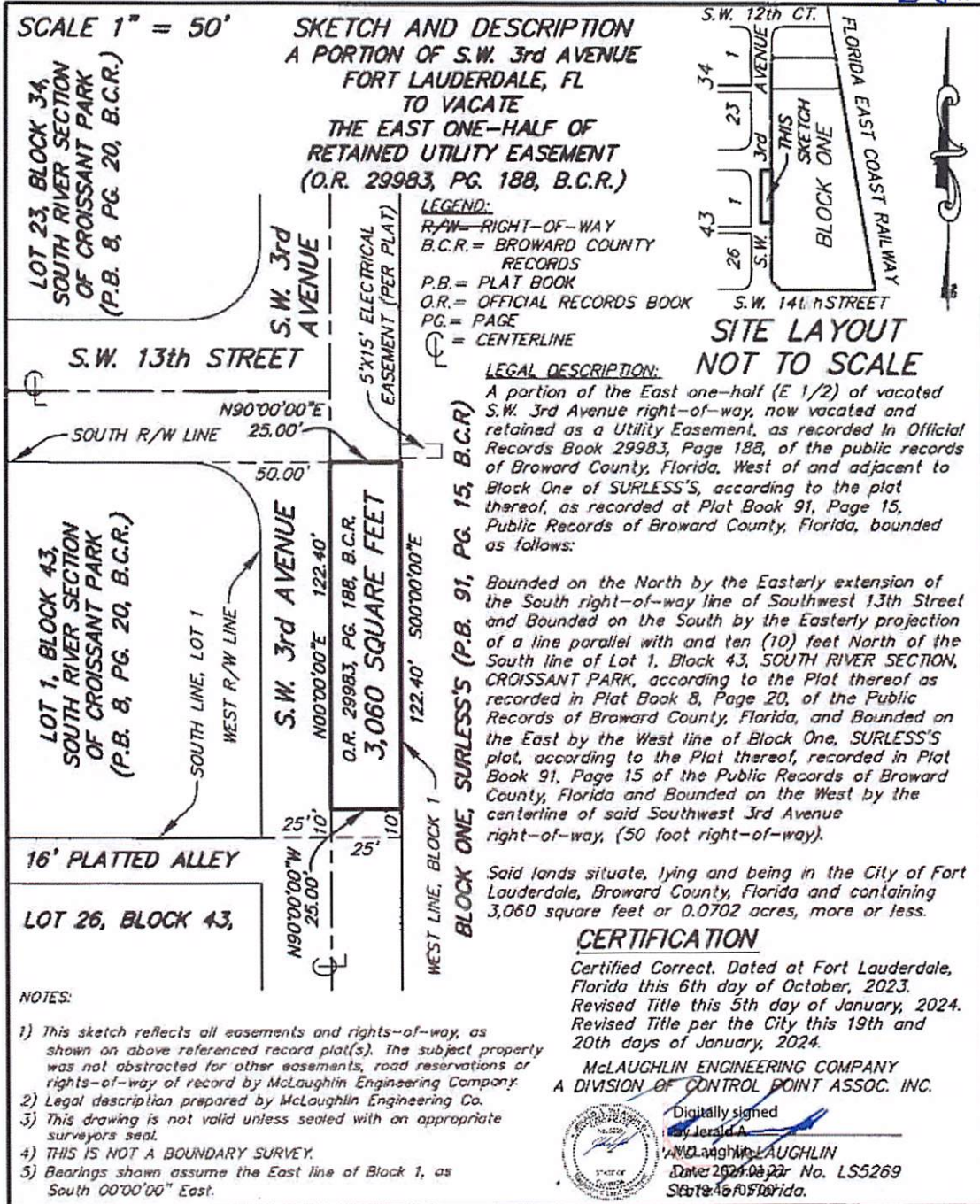


McLAUGHLIN ENGINEERING COMPANY LB 285
 A DIVISION OF CONTROL POINT ASSOCIATES, INC. LB 8137

CUTTING EDGE SURVEYING * PLATTING * LAND PLANNING
 1700 N.W. 64th STREET #400, FORT LAUDERDALE, FLORIDA 33309
 PHONE: (954) 763-7611 * EMAIL: JHADDIX@CPASURVEY.COM



W.D.G.K.



FIELD BOOK NO. _____

DRAWN BY: JMM/jr _____

JOB ORDER NO. 230432 _____

CHECKED BY: _____

REF. DWG.: 22-3-043

C:\JMMjr\2023\230432 (SKETCH)

Exhibit "A"