

R-4 [24-0701](#)

Quasi-Judicial Resolution Approving Vacation of an Ingress, Egress, Utility and Well Easement Located at 5900 Hawkins Road and Authorizing the City Manager to Execute an Instrument Granting and Conveying a Public Drainage Easement - City of Fort Lauderdale - Prospect Lake Clean Water Center - Case No. UDP-EV24004 - (Commission District 1)

Anyone wishing to speak must be sworn in. The Commission will announce any site visits, communications or expert opinions received and make them part of the record.

**ADOPTED**

Yea: 5 - Vice Mayor Glassman, Commissioner Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

**ORDINANCE FIRST READING**

OFR-1 [24-0729](#)

First Reading - Ordinance Amending City of Fort Lauderdale Unified Land Development Regulations (ULDR); Section 47-18.15, Holiday-Related Merchandise, Outdoor Sales To Include New Year's Day - Case No. UDP-T24006 - (Commission Districts 1, 2, 3 and 4)

**PASSED FIRST READING**

Yea: 5 - Vice Mayor Glassman, Commissioner Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

OFR-2 [24-0730](#)

First Reading - Ordinance Amending the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-20.2, Parking and Loading Zone Requirements and Section 47-35, Definitions, to Revise Medical Office Parking Requirement - Case UDP-T24008 - (Commission Districts 1, 2, 3 and 4)

**PASSED FIRST READING**

Yea: 4 - Vice Mayor Glassman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

Nay: 1 - Commissioner Beasley-Pittman

OFR-3 [24-0814](#)

First Reading - An Ordinance of the City of Fort Lauderdale, Florida, Enacting a New Subsection 2-29 of the Code of Ordinances of the City of Fort Lauderdale, Florida, Thereby Establishing a Code of Conduct for the City Commission - (Commission Districts 1, 2, 3 and 4)

**PASSED FIRST READING**

**RESOLUTION NO. 24-165**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THAT PLATTED 50.00 FOOT INGRESS, EGRESS, UTILITY AND WELL EASEMENT, SAID PORTION LYING ALONG THE SOUTH LINE OF TRACT "C" AND THE WEST AND SOUTH LINES OF TRACT "B", "PALMAIRE VILLAGE 4<sup>TH</sup> SECTION" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 96, PAGE 35, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED EAST US HIGHWAY 441, NORTH OF PROSPECT ROAD, WEST OF NORTHWEST 31<sup>ST</sup> AVENUE AND SOUTH OF WEST CYPRESS CREEK ROAD (NORTHWEST 62<sup>ND</sup> STREET), ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA AND DELEGATING TO THE CITY MANAGER THE AUTHORITY TO EXECUTE AN INSTRUMENT GRANTING AND CONVEYING A PUBLIC DRAINAGE EASEMENT ON BEHALF OF THE CITY IN SUBSTANTIALLY THE FORM ATTACHED.**

**WHEREAS, the City of Fort Lauderdale entered into a Comprehensive Agreement for the Prospect Lake Clean Water Center in Fort Lauderdale, Florida with Prospect Lake Water, L.P. in capacity as the Project Company and Prospect Lake Holdings, L.P. and IDE PLCWC, Inc. in their capacity as Equity Providers; and**

**WHEREAS, Section 4.05 of the Comprehensive Agreement provides that each of the City and Project Company shall obtain and maintain governmental approvals and shall provide reasonable assistance to the other party in connection with the other party's obligation to obtain and maintain the applicable governmental approvals; and**

**WHEREAS, under the provisions of Section 47-24.7 of the City of Fort Lauderdale, Florida Unified Land Development Regulations (hereinafter "ULDR"), the City of Fort Lauderdale is applying for the vacation of a portion of that platted 50.00 foot ingress, egress, utility and well easement, said portion lying along the south line of Tract "C" and the west and south line of Tract "B", "Palm Aire Village 4<sup>th</sup> Section" according to the plat thereof as recorded in plat book 96, page 35, of the Public Records of Broward County, Florida (PZB Case No. UDP-EV24004) more fully described in SECTION 2 below, located east of U.S. Highway 441, north of Prospect Road, west of Northwest 31<sup>st</sup> Avenue and south of West Cypress Creek Road (Northwest 62<sup>nd</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:

**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 September 3, 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 ingress, egress, utility and well, subject to the conditions provided in SECTION 3 of this resolution:

A PORTION OF THAT PLATTED 50.00 FOOT INGRESS, EGRESS, UTILITY AND WELL EASEMENT, SAID PORTION LYING ALONG THE SOUTH LINE OF TRACT "C" AND THE WEST AND SOUTH LINE OF TRACT "B", "PALM AIRE VILLAGE 4<sup>TH</sup> SECTION" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 96, PAGE 35, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

More particularly described in Exhibit "A" attached.

Location: East of U.S. Highway 441, north of Prospect Road, west of Northwest 31<sup>st</sup> Avenue and south of West Cypress Creek Road (Northwest 62<sup>nd</sup> Street), Fort Lauderdale, Florida

**SECTION 3.** That the vacation of the ingress, egress, utility, and well easement shall not be effective until the applicant demonstrates compliance with the following conditions:

1. Applicant shall convey by written instrument that western portion of the ingress, egress, utility, and well easement, more particularly described in Exhibit "B," as a non-exclusive drainage easement in favor of the City.
2. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the Project Company, 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.
3. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the Project Company, 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.
4. 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 the City Manager is hereby delegated the authority to execute on behalf of the City of Fort Lauderdale an instrument granting and conveying a public drainage easement in substantially the form attached as Exhibit "C"

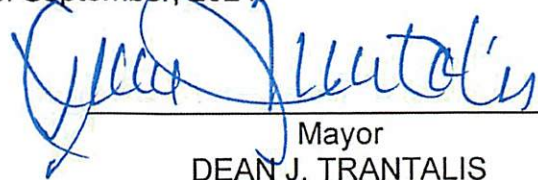
**SECTION 5.** That a copy of this Resolution shall be recorded in the Public Records of Broward County within 30 days from the date of final passage.

**SECTION 6.** 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 7. 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 8. This approval is conditioned upon the Project Company or the applicant, when applicable, obtaining all other applicable state or federal permits before commencement of the development.

ADOPTED this 3<sup>rd</sup> day of September, 2024.

  
\_\_\_\_\_  
Mayor  
DEAN J. TRANTALIS

ATTEST:

  
\_\_\_\_\_  
City Clerk  
DAVID R. SOLOMAN

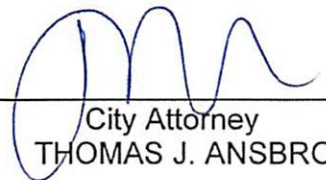
Dean J. Trantalis      Yea

John C. Herbst      Yea

APPROVED AS TO FORM  
AND CORRECTNESS:

Steven Glassman      Yea

Pamela Beasley-Pittman      Yea

  
\_\_\_\_\_  
City Attorney  
THOMAS J. ANSBRO

Warren Sturman      Yea

lu. 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 (VACATION OF 50' INGRESS/EGRESS, WELL & UTILITY EASEMENT)

PORTIONS OF TRACTS "B" AND "C", **PALM AIRE VILLAGE 4TH SECTION**, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 96, PAGE 35, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

**BEGINNING** AT THE SOUTHWEST CORNER OF SAID TRACT "C", THENCE NORTH 00°51'00" WEST ALONG THE WEST LINE OF SAID TRACT "C" 50.00 FEET TO A POINT ON A LINE LYING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT "C"; THENCE NORTH 89°53'18" EAST ALONG SAID PARALLEL LINE AND THE EASTERLY EXTENSION THEREOF 553.32 FEET TO A POINT ON A LINE LYING 50.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT "C", SAID POINT ALSO LYING 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT "B"; THENCE SOUTH 01°44'09" EAST ALONG SAID PARALLEL LINE 328.65 FEET TO A POINT ON A LINE LYING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT "B"; THENCE SOUTH 89°54'28" EAST ALONG SAID PARALLEL LINE 1269.49 FEET; THENCE SOUTH 01°48'11" EAST 50.03 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT "B"; THENCE NORTH 89°54'28" WEST ALONG SAID SOUTH LINE 1319.55 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "B"; THENCE NORTH 01°44'09" WEST ALONG THE WEST LINE OF SAID TRACT "B" 328.48 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "C"; THENCE SOUTH 89°53'18" WEST ALONG THE SOUTH LINE OF SAID TRACT "C" 504.09 FEET TO THE **POINT OF BEGINNING**.

SAID LANDS LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND CONTAINING 107,584 SQUARE FEET (2.467 ACRES), MORE OR LESS.

CLIENT: KIEWIT WATER FACILITIES FLORIDA CO.

SCALE: N/A

DRAWN: M.M.M.

ORDER NO.: 72962

DATE: 6/7/24

50' INGRESS/EGRESS, WELL & UTILITY EASEMENT VACATION

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: PROSPECT LAKE CLEAN WATER

SHEET 1 OF 4

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 4

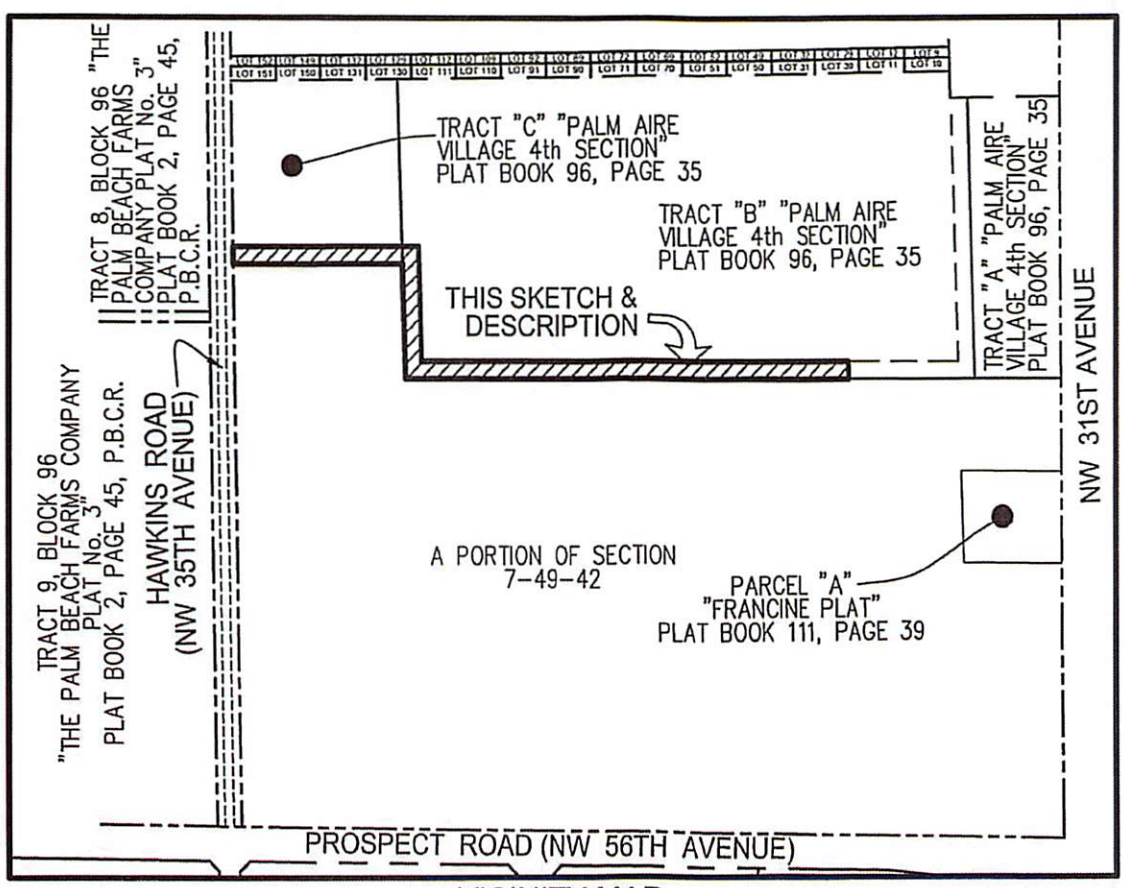
- JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
  - VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
  - MICHAEL M. MOSSEY, PROFESSIONAL SURVEYOR AND MAPPER PSM5660
- STATE OF FLORIDA

M.P.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



VICINITY MAP  
NOT TO SCALE

- NOTES:
1. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR AN ELECTRONIC SIGNATURE AND ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
  2. BEARINGS ARE BASED ON STATE PLANE COORDINATES AND ARE RELATIVE TO THE NORTH AMERICAN DATUM OF 1983 WITH THE 2011 ADJUSTMENT, FL-E ZONE, WITH THE WEST LINE OF TRACT "C" BEING N00°51'00"W
  3. THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
  4. ALL RECORDED DOCUMENTS ARE PER BROWARD COUNTY COUNTY PUBLIC RECORDS, UNLESS OTHERWISE NOTED.

CLIENT: KIEWIT WATER FACILITIES FLORIDA CO.	
SCALE: N/A	DRAWN: M.M.M.
ORDER NO.: 72962	
DATE: 6/7/24	
50' INGRESS/EGRESS, WELL & UTILITY EASEMENT VACATION	
FORT LAUDERDALE, BROWARD COUNTY, FLORIDA	
FOR: PROSPECT LAKE CLEAN WATER	

SHEET 2 OF 4

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M.D.O.K.

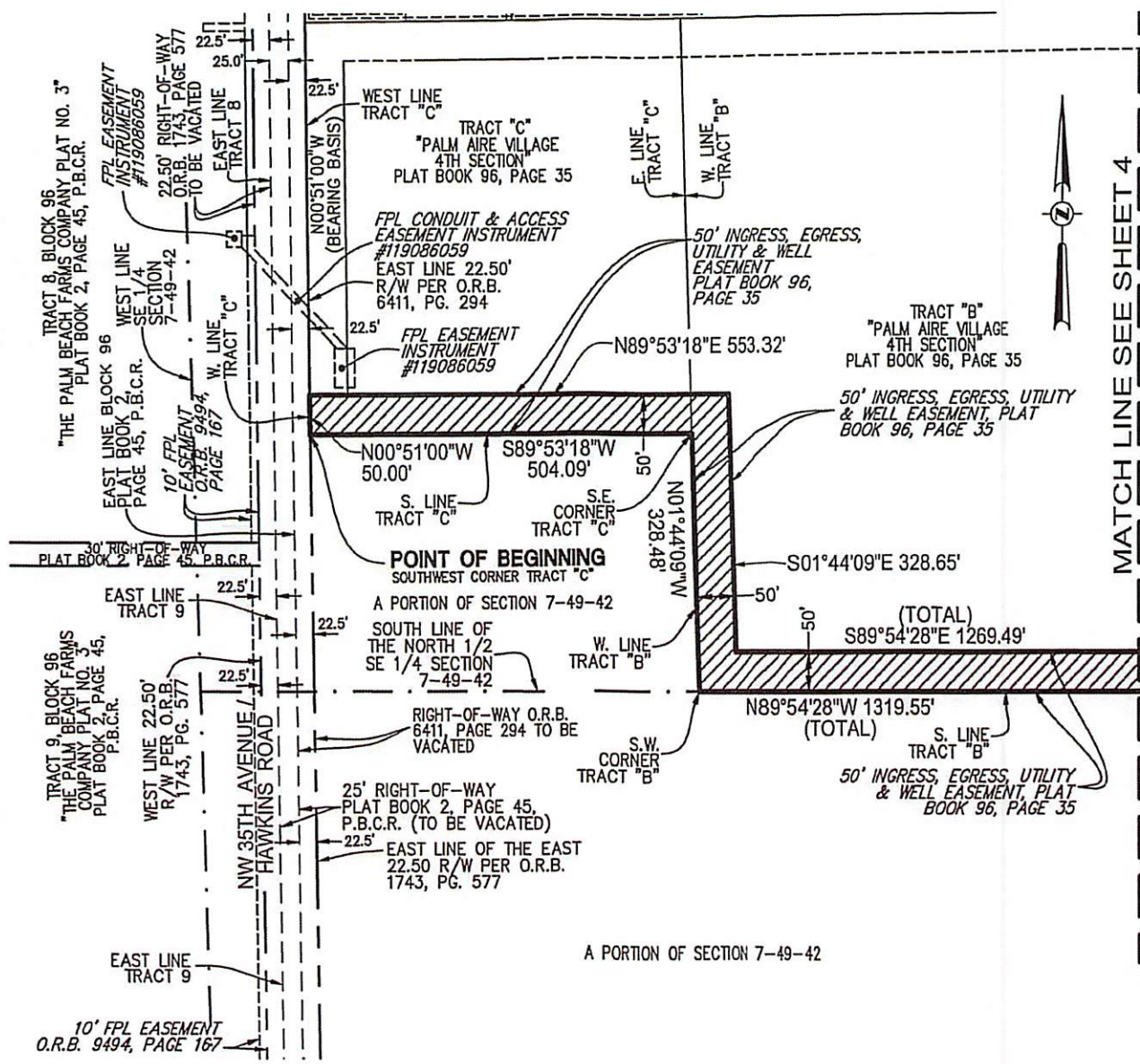


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CLIENT: KIEWIT WATER FACILITIES FLORIDA CO.  
 SCALE: 1" = 200'      DRAWN: M.M.M.  
 ORDER NO.: 72962  
 DATE: 6/7/24  
 50' INGRESS/EGRESS, WELL & UTILITY EASEMENT VACATION  
 FORT LAUDERDALE, BROWARD COUNTY, FLORIDA  
 FOR: PROSPECT LAKE CLEAN WATER

SHEET 3 OF 4      THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 4

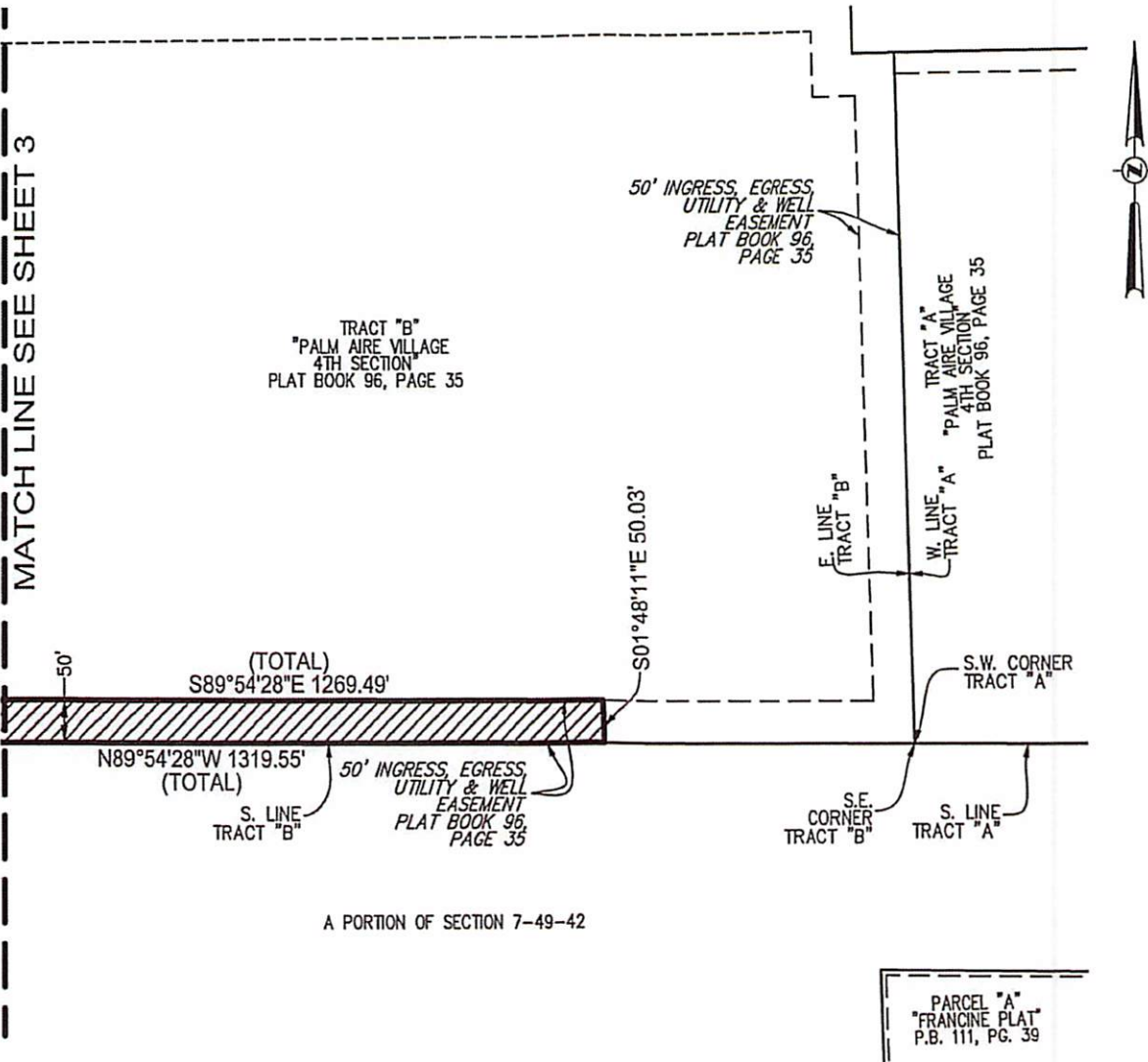
LEGEND & ABBREVIATIONS:  
 FPL      FLORIDA POWER AND LIGHT COMPANY  
 O.R.B.    OFFICIAL RECORDS BOOK  
 P.B.      PLAT BOOK  
 P.B.C.R. PALM BEACH COUNTY RECORDS  
 PG.      PAGE  
 7-49-42 SECTION-TOWNSHIP-RANGE



M.D.O.K.



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CLIENT: KIEWIT WATER FACILITIES FLORIDA CO.

SCALE: 1" = 200'

DRAWN: M.M.M.

ORDER NO.: 72962

DATE: 6/7/24

50' INGRESS/EGRESS, WELL & UTILITY EASEMENT VACATION

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: PROSPECT LAKE CLEAN WATER

SHEET 4 OF 4

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LEGEND & ABBREVIATIONS:

FPL FLORIDA POWER AND LIGHT COMPANY  
 O.R.B. OFFICIAL RECORDS BOOK  
 P.B. PLAT BOOK  
 P.B.C.R. PALM BEACH COUNTY RECORDS  
 PG. PAGE  
 7-49-42 SECTION-TOWNSHIP-RANGE



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LEGAL DESCRIPTION: 50' DRAINAGE EASEMENT

A PORTION OF TRACT "C", **PALM AIRE VILLAGE 4TH SECTION**, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 96, PAGE 35, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

**BEGINNING** AT THE SOUTHWEST CORNER OF SAID TRACT "C", THENCE NORTH 00°51'00" WEST ALONG THE WEST LINE OF SAID TRACT "C" 50.00 FEET TO A POINT ON A LINE LYING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT "C"; THENCE NORTH 89°53'18" EAST ALONG SAID PARALLEL LINE 50.00 FEET TO A POINT ON A LINE LYING 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT "C"; THENCE SOUTH 00°51'00" EAST ALONG SAID PARALLEL LINE 50.00 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT "C"; THENCE SOUTH 89°53'18" WEST ALONG SAID SOUTH LINE 50.00 FEET TO THE **POINT OF BEGINNING**.

SAID LANDS LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND CONTAINING 2,500 SQUARE FEET, MORE OR LESS.

CLIENT: KIEWIT WATER FACILITIES FLORIDA CO.

SCALE: N/A

DRAWN: M.M.M.

ORDER NO.: 73227

DATE: 8/15/24

50' DRAINAGE EASEMENT

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: PROSPECT LAKE CLEAN WATER

SHEET 1 OF 3

**John F  
Pulice**

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 3

Digitally signed by

John F Pulice

Date: 2024.08.23

14:45:50 -04'00'

- JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
- VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
- MICHAEL M. MOSSEY, PROFESSIONAL SURVEYOR AND MAPPER PSM5660 STATE OF FLORIDA

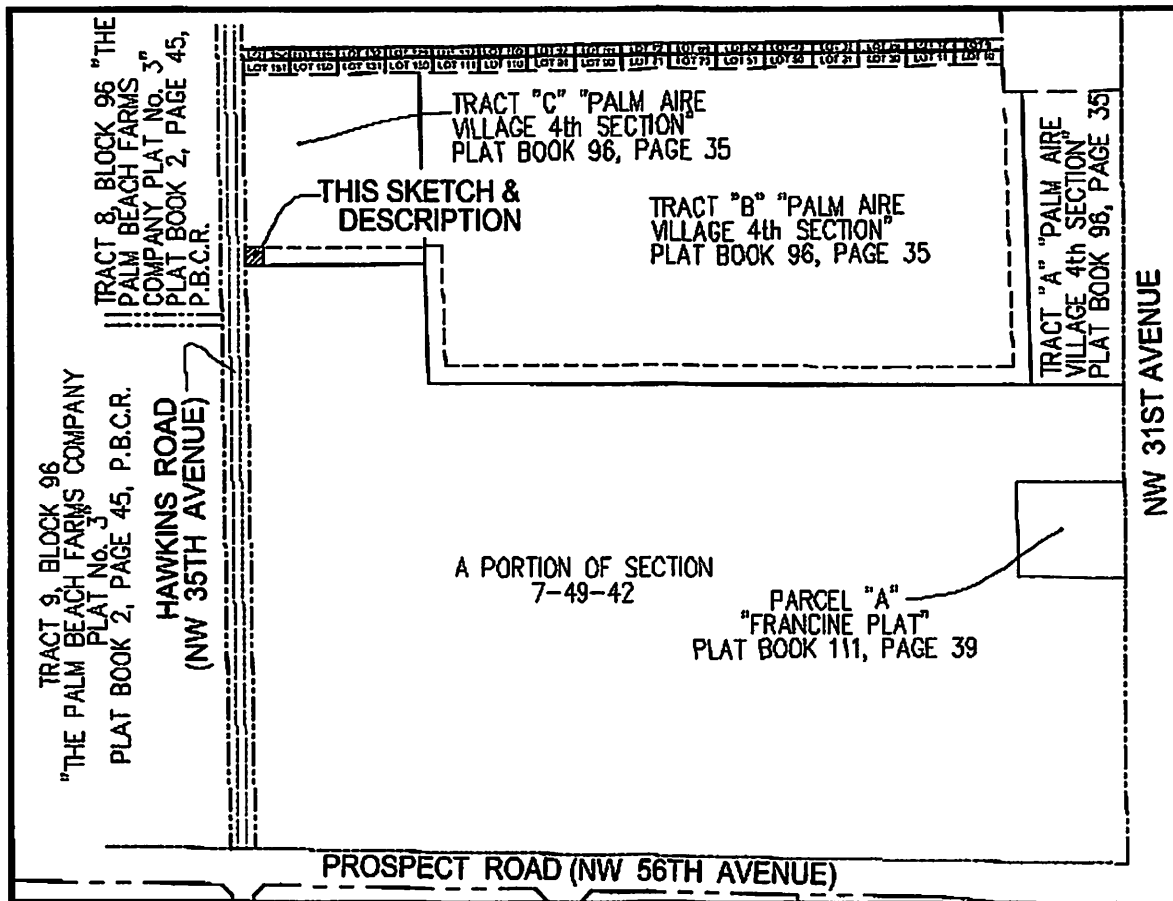


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VICINITY MAP  
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**NOTES:**

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2. BEARINGS ARE BASED ON STATE PLANE COORDINATES AND ARE RELATIVE TO THE NORTH AMERICAN DATUM OF 1983 WITH THE 2011 ADJUSTMENT, FL-E ZONE, WITH THE WEST LINE OF TRACT "C" BEING N00°51'00"W
3. THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
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CLIENT: KIEWIT WATER FACILITIES FLORIDA CO.

SCALE: N/A

DRAWN: M.M.M.

ORDER NO.: 73227

DATE: 8/15/24

50' DRAINAGE EASEMENT

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: PROSPECT LAKE CLEAN WATER

SHEET 2 OF 3

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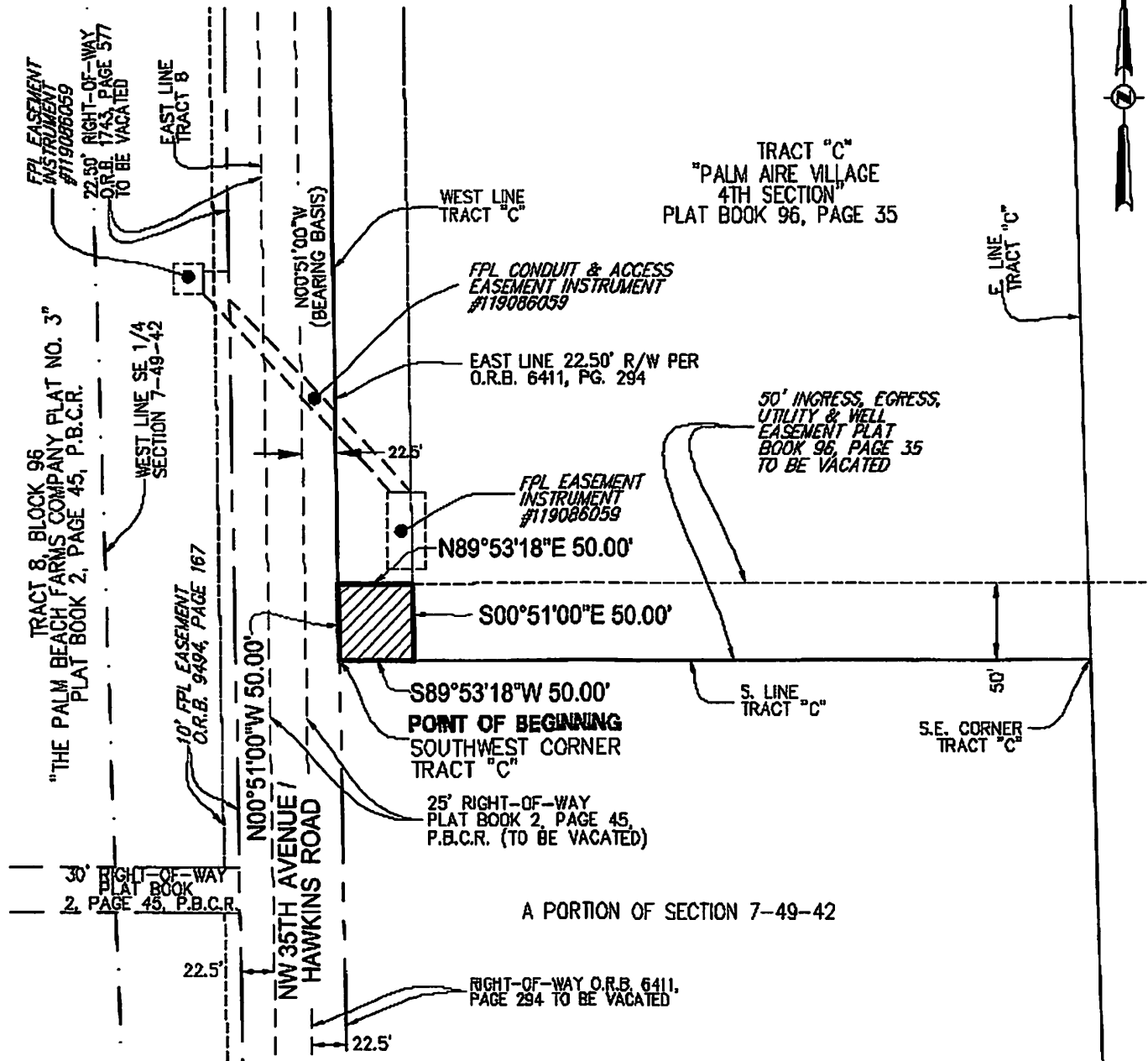


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CERTIFICATE OF AUTHORIZATION LB#3870



CLIENT: KIEWIT WATER FACILITIES FLORIDA CO.

SCALE: 1" = 100'

DRAWN: M.M.M.

ORDER NO.: 73227

DATE: 8/15/24

50' DRAINAGE EASEMENT

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: PROSPECT LAKE CLEAN WATER

SHEET 3 OF 3

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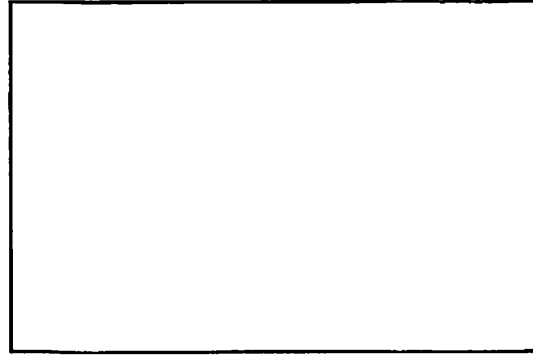
LEGEND & ABBREVIATIONS:

FPL FLORIDA POWER AND LIGHT COMPANY  
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P.B. PLAT BOOK  
P.B.C.R. PALM BEACH COUNTY RECORDS  
PG. PAGE  
7-49-42 SECTION-TOWNSHIP-RANGE

PREPARED BY AND RETURN TO:

**SHAUN N. AMARNANI, ESQ.**  
City of Fort Lauderdale  
City Attorney's Office  
1 East Broward Blvd., Suite 1320  
Fort Lauderdale, FL 33301

Folio No: 494207000110



(Space Above Reserved for Recording Information)

**PUBLIC DRAINAGE EASEMENT**

THIS INDENTURE, made this \_\_\_\_ of \_\_\_\_, 2024, by and between:

The CITY OF FORT LAUDERDALE, a municipal corporation existing under the laws of the State of Florida, whose Post Office is 101 Northeast 3rd Avenue, Suite 2100, Fort Lauderdale, FL, 33301 hereinafter "Grantor",

In Favor of

The CITY OF FORT LAUDERDALE (itself), hereinafter the "Grantee", along with its successors and assigns.

WITNESSETH:

That said Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt of which is hereby acknowledged, has granted, bargained and sold unto the said Grantee, its successors and assigns a non-exclusive Public Drainage Easement for drainage infrastructure, for the retention, detention, conveyance, discharge and management of surface water runoff, and the right to access and install, inspect, test, maintain, repair, relocate, rehabilitate and replace such drainage infrastructure from time to time within the Easement Area and all other public purposes related thereto, as Grantee may deem necessary over, along, through, in, above, within and under the "Easement Area", said Easement Area lying and being in Fort Lauderdale, Broward County, Florida, more particularly described as follows:

**SKETCH & LEGAL DESCRIPTION**  
**EXHIBIT "A"**  
(hereinafter, the "Easement Area")

Grantor(s) hereby covenants with said Grantee that said Grantor is lawfully seized of fee simple title to the Easement Area and that Grantor hereby fully warrants and defends the title to this Easement Area hereby granted and conveyed against the lawful claims of all persons whomsoever.

Grantor's successors and assigns shall not make or construct any improvements within the

Easement Area, conduct any activities which will conflict or interfere with the Easement granted herein. Further, Grantor's successors and assigns will not construct any walls or other permanent structures within the Easement Area.

**NO MERGER OF EASEMENT WITH PARCEL** - The parties hereto, including the Grantor and Grantee for themselves and their successors and assigns, expressly agree that the conveyance of the Public Drainage Easement, as described herein, shall not result in a merger of the Public Drainage Easement with title to the underlying parcel property. The Easement granted herein is intended to be, and shall remain, a separate and distinct interest in the underlying parcel property, which shall run with the land and be binding upon, and inure to the benefit of, the Grantee, and its successors and assigns outside the conveyance on the underlying property. This Public Drainage Easement shall survive any transfer or conveyance of the underlying parcel property or any portion thereof and shall not be extinguished without a separately recorded document that expressly reunifies the ownership of the Public Drainage Easement with the underlying parcel property.

\*("Grantor" and "Grantee" are used for singular or plural, as context requires.)

TO HAVE AND TO HOLD the same unto the Grantee, its successors and assigns forever.

IN WITNESSES WHEREOF, the Grantor has hereunto set Grantor's hand and seal the day and year first above written.

**WITNESSES:**

\_\_\_\_\_  
(Witness 1 Signature)  
Print Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Witness 2 Signature)  
Print Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**GRANTOR:**

CITY OF FORT LAUDERDALE, A  
MUNICIPAL CORPORATION OF  
FLORIDA

By: \_\_\_\_\_  
Susan Grant, Acting City Manager

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2024 by Susan Grant, Acting City Manager of the City of Fort Lauderdale, a municipal corporation of Florida on behalf of the City of Fort Lauderdale, Florida.

Approved as to Form and Correctness:  
Thomas J. Ansbro, City Attorney

\_\_\_\_\_  
Shaun N. Amarnani, Esq., Asst. City  
Attorney  
Fort Lauderdale

\_\_\_\_\_  
Notary Public, State of Florida  
(Signature of Notary taking Acknowledgement)

\_\_\_\_\_  
Name of Notary Typed, Printed or Stamped

My Commission Expires: \_\_\_\_\_

Commission Number: \_\_\_\_\_



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: 50' DRAINAGE EASEMENT

A PORTION OF TRACT "C", PALM AIRE VILLAGE 4TH SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 96, PAGE 35, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

**BEGINNING** AT THE SOUTHWEST CORNER OF SAID TRACT "C", THENCE NORTH 00°51'00" WEST ALONG THE WEST LINE OF SAID TRACT "C" 50.00 FEET TO A POINT ON A LINE LYING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT "C"; THENCE NORTH 89°53'18" EAST ALONG SAID PARALLEL LINE 50.00 FEET TO A POINT ON A LINE LYING 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT "C"; THENCE SOUTH 00°51'00" EAST ALONG SAID PARALLEL LINE 50.00 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT "C"; THENCE SOUTH 89°53'18" WEST ALONG SAID SOUTH LINE 50.00 FEET TO THE POINT OF **BEGINNING**.

SAID LANDS LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND CONTAINING 2,500 SQUARE FEET, MORE OR LESS.

CLIENT: KIEWIT WATER FACILITIES FLORIDA CO.

SCALE: N/A

DRAWN: M.M.M.

ORDER NO.: 73227

DATE: 8/15/24

50' DRAINAGE EASEMENT

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: PROSPECT LAKE CLEAN WATER

SHEET 1 OF 3

**John F  
Pulice**

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 3

Digitally signed by

John F Pulice

Date: 2024.08.23

14:45:50 -04'00'

- JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
- VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
- MICHAEL M. MOSSEY, PROFESSIONAL SURVEYOR AND MAPPER PSM5660 STATE OF FLORIDA

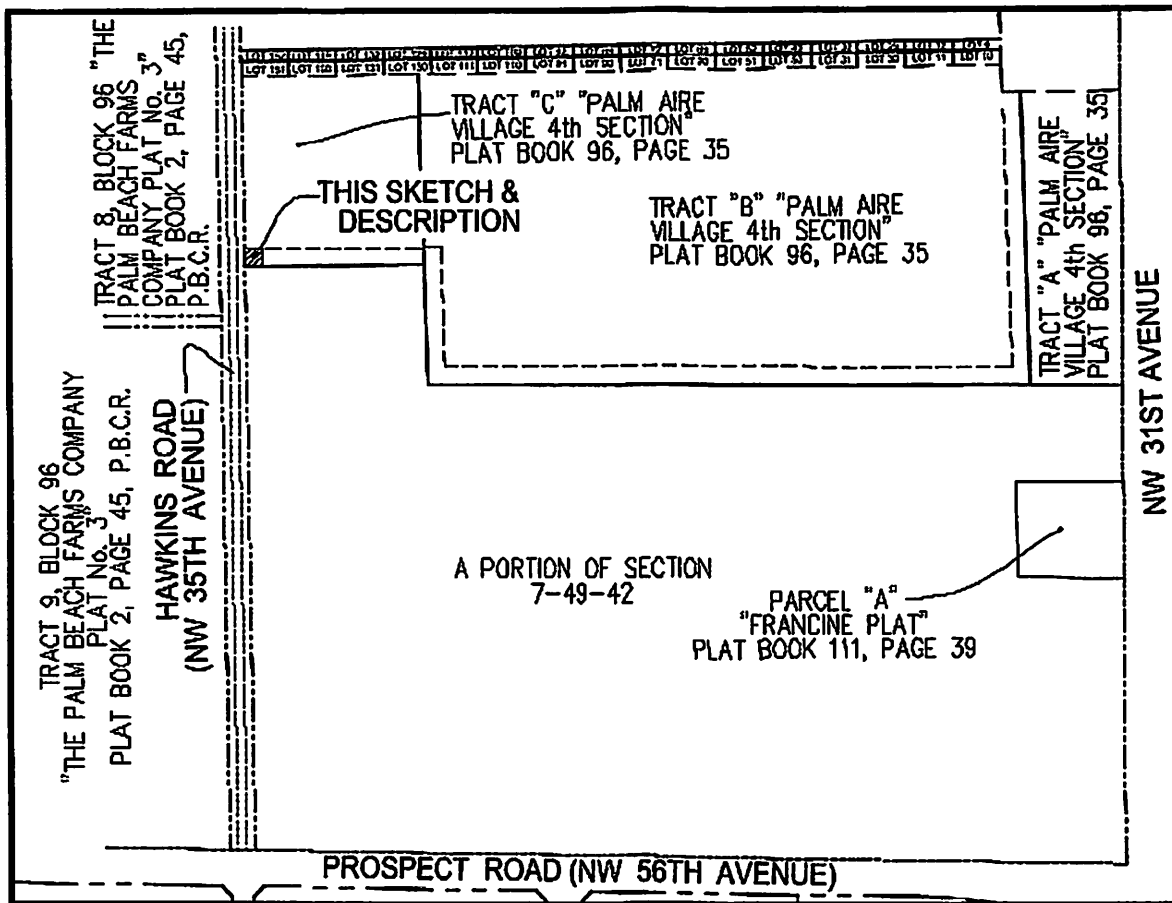




SKETCH AND LEGAL DESCRIPTION  
BY  
**PULICE LAND SURVEYORS, INC.**

5381 NOB HILL ROAD  
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • E-MAIL: surveys@pulicelandsurveyors.com  
CERTIFICATE OF AUTHORIZATION LB#3870



VICINITY MAP  
NOT TO SCALE

NOTES:

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50' DRAINAGE EASEMENT

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: PROSPECT LAKE CLEAN WATER

SHEET 2 OF 3

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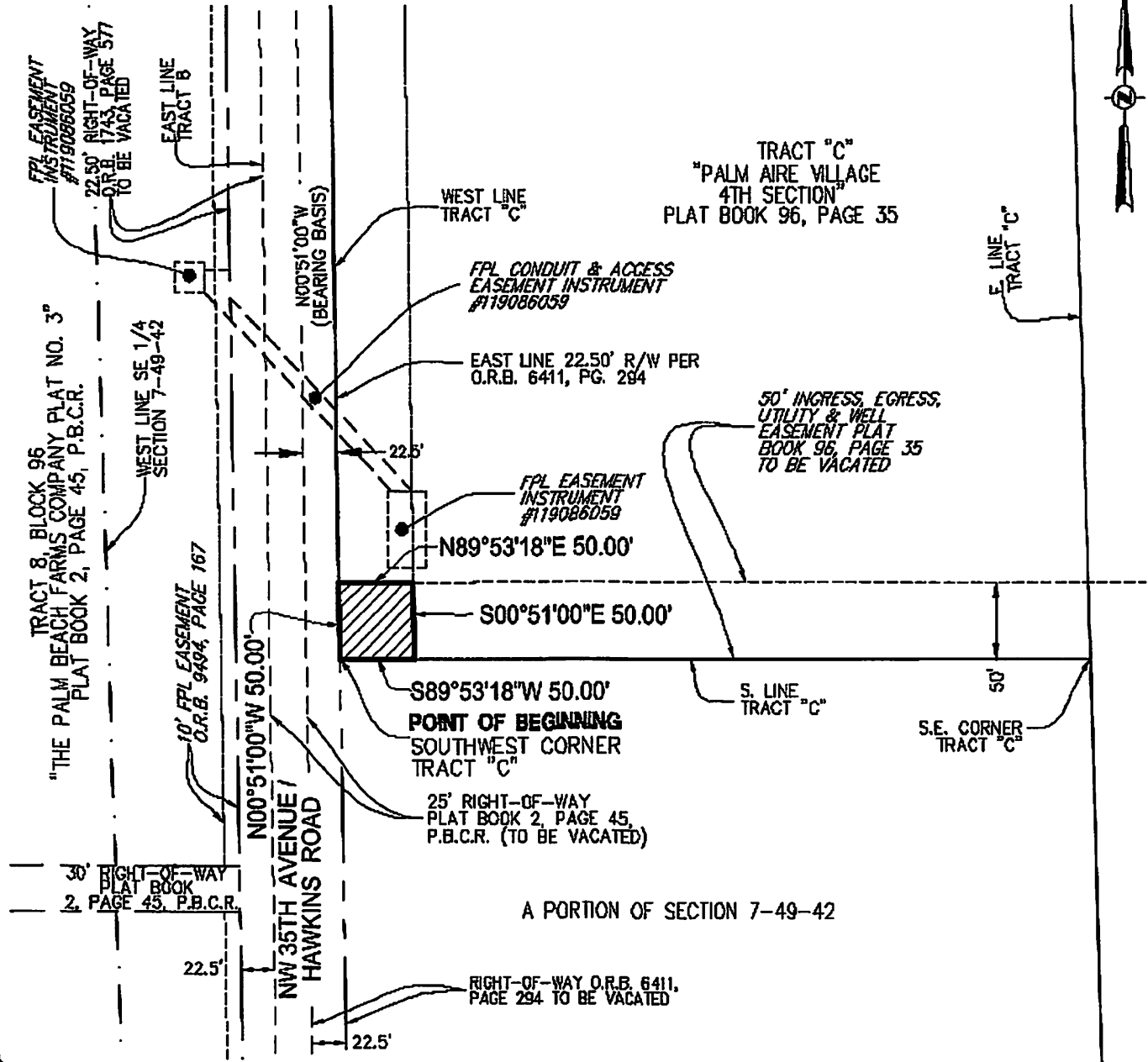


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SCALE: 1" = 100' DRAWN: M.M.M.  
ORDER NO.: 73227  
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50' DRAINAGE EASEMENT  
FORT LAUDERDALE, BROWARD COUNTY, FLORIDA  
FOR: PROSPECT LAKE CLEAN WATER

SHEET 3 OF 3

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 3

LEGEND & ABBREVIATIONS:

FPL FLORIDA POWER AND LIGHT COMPANY  
O.R.B. OFFICIAL RECORDS BOOK  
P.B. PLAT BOOK  
P.B.C.R. PALM BEACH COUNTY RECORDS  
PG. PAGE  
7-49-42 SECTION-TOWNSHIP-RANGE



**CITY OF FORT LAUDERDALE**  
**City Commission Agenda Memo**  
**REGULAR MEETING**

**#24-0701**

---

**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Susan Grant, Acting City Manager

**DATE:** September 3, 2024

**TITLE:** Quasi-Judicial Resolution Approving Vacation of an Ingress, Egress, Utility and Well Easement Located at 5900 Hawkins Road and Authorizing the City Manager to Execute an Instrument Granting and Conveying a Public Drainage Easement – City of Fort Lauderdale – Prospect Lake Clean Water Center – Case No. UDP-EV24004 – **(Commission District 1)**

---

**Recommendation**

Staff recommends the City Commission consider a resolution vacating a 50-foot-wide by 2,152-foot-long ingress, egress, utility and well easement located at 5900 Hawkins Road, running adjacent to Tract B and Tract C of Palm Aire Village 4<sup>th</sup> Section, according to the plat thereof recorded in Plat Book 96 at Page 35, of the Public Records of Broward County, Florida and authorizing the city manager to execute an instrument granting and conveying a public drainage easement.

**Background**

The applicant, City of Fort Lauderdale, requests to vacate the easement, which was originally platted as an ingress, egress, utility and well easement to access and maintain the lake. The proposed vacation is associated with the Site Plan Level II development application for the “Prospect Lake Clean Water Center”, a 15,322-square-foot Nanofiltration Building and 9,878 Square Foot Administration Building (Case No. UDP-S23049). The project is being constructed pursuant to a public private partnership between the City of Fort Lauderdale, Prospect Lake Water, L.P. in capacity as the Project Company, and Prospect Lake Holdings, L.P. and IDE PLCWC, Inc. in their capacity as Equity Providers. A location map depicting the easement is attached as Exhibit 1.

The original plat was adopted by the City Commission on September 20<sup>th</sup>, 1977, by Ordinance C-77-122. Plat Book 96, Page 35 is attached as Exhibit 2. The Development Review Committee (DRC) reviewed the easement vacation application on July 9, 2024. All comments have been addressed. The application, project narrative, and utility letters stating no objection to the vacation are attached as Exhibit 3. The DRC comment report and the applicant’s responses are attached as Exhibit 4. The sketch and legal description of the proposed vacation is attached as Exhibit 5.

Pursuant to the City's Unified Land Development Regulations (ULDR) Section 47-24.7, Vacation of Easement, the City Commission is to consider the application, record, and recommendations forwarded by the DRC and shall hear public comment on the application and determine whether the application meets the following criteria for vacation of an easement:

- a. *The easement is no longer needed for public purposes;*

Other than an existing thirty-six (36) inch storm drain that crosses the easement north to south for which a utility easement will be retained by the City for the area where this facility lies, there are no other utilities presently using the area of the fifty (50) foot easement sought to be vacated. The area to be vacated is no longer needed for ingress, egress, and well purposes.

- b. *All utilities located within the easement have been or will be relocated pursuant to a relocation plan; and the owner of the utility facilities has consented to the vacation; or a portion of the easement area is maintained; or an easement in a different location has been provided by the utility facilities by the owner to the satisfaction of the city; or any combination of same;*

There is presently only a thirty-six (36) inch storm drainage pipe within the western most portion of the fifty (50) foot easement sought to be vacated for which a twenty (20) foot drainage easement will be retained by the City for the area where the facility lies. The applicant has obtained letters of no objection from utility providers who have rights or authority to place utilities in the easement: City of Fort Lauderdale Public Works, AT&T, Comcast, FP&L, and TECO Gas.

Should the City Commission determine that the proposed application meets the criteria for vacation of easement, the following conditions apply:

1. Applicant shall convey by written instrument that a western portion of the ingress, egress, utility, and well easement, more particularly described in Exhibit "B," as a drainage easement.
2. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the Project Company, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department.
3. Any other utility infrastructure known or unknown and found to be within the

vacated area shall be relocated at the expense of the Project Company, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider.

4. 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.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Strategic Connections**

This item is a FY 2024 *Commission Priority*, advancing the Infrastructure and Resilience initiative.

This item supports the *Press Play Fort Lauderdale 2029 Strategic Plan*, specifically advancing:

- The Infrastructure and Resilience Focus Area, Goal 3: Providing for a new state of the art water treatment plant.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community*.

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan*, specifically advancing:

- The Infrastructure Focus Area
- Sanitary Sewer, Water & Stormwater Element
- Goal 2: Develop and maintain an adequate wastewater collection and treatment system, which meets existing and projected needs of the City and adjacent users in the Central Wastewater Region.

### **Attachments**

Exhibit 1 – Location Map

Exhibit 2 – Plat Book 96, Page 35

Exhibit 3 – Applicant’s Application, Narratives, and Utility Letters

Exhibit 4 – DRC Comment Report and Applicant’s Responses

Exhibit 5 – Sketch and Legal Description

Exhibit 6 – Resolution

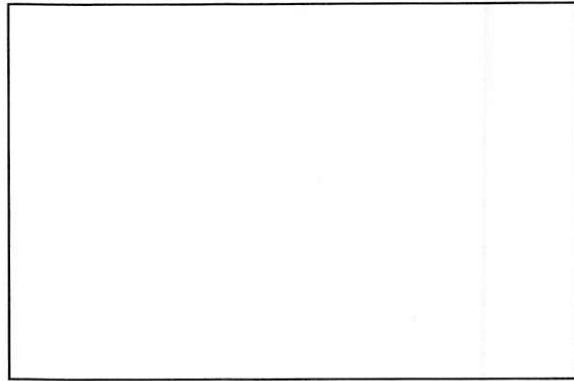
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Prepared by: Yvonne Redding, Urban Planner III, Development Services Department

Acting Department Director: Alfred Battle, Development Services Department

PREPARED BY AND RETURN TO:

**SHAUN N. AMARNANI, ESQ.**  
City of Fort Lauderdale  
City Attorney's Office  
1 East Broward Blvd., Suite 1320  
Fort Lauderdale, FL 33301



(Space Above Reserved for Recording Information)

**PUBLIC DRAINAGE EASEMENT**

THIS INDENTURE, made this 20th of Sept., 2024, by and between:

The CITY OF FORT LAUDERDALE, a municipal corporation existing under the laws of the State of Florida, whose Post Office is 101 Northeast 3rd Avenue, Suite 2100, Fort Lauderdale, FL, 33301 hereinafter "Grantor",

In Favor of

The CITY OF FORT LAUDERDALE (itself), hereinafter the "Grantee", along with its successors and assigns.

WITNESSETH:

That said Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt of which is hereby acknowledged, has granted, bargained and sold unto the said Grantee, its successors and assigns a non-exclusive Public Drainage Easement for drainage infrastructure, for the retention, detention, conveyance, discharge and management of surface water runoff, and the right to access and install, inspect, test, maintain, repair, relocate, rehabilitate and replace such drainage infrastructure from time to time within the Easement Area and all other public purposes related thereto, as Grantee may deem necessary over, along, through, in, above, within and under the "Easement Area", said Easement Area lying and being in Fort Lauderdale, Broward County, Florida, more particularly described as follows:

**SKETCH & LEGAL DESCRIPTION**  
**EXHIBIT "A"**  
(hereinafter, the "Easement Area")

Grantor(s) hereby covenants with said Grantee that said Grantor is lawfully seized of fee simple title to the Easement Area and that Grantor hereby fully warrants and defends the title to this Easement Area hereby granted and conveyed against the lawful claims of all persons whomsoever.

Grantor's successors and assigns shall not make or construct any improvements within the

Easement Area, conduct any activities which will conflict or interfere with the Easement granted herein. Further, Grantor's successors and assigns will not construct any walls or other permanent structures within the Easement Area.


**NO MERGER OF EASEMENT WITH PARCEL** - The parties hereto, including the Grantor and Grantee for themselves and their successors and assigns, expressly agree that the conveyance of the Public Drainage Easement, as described herein, shall not result in a merger of the Public Drainage Easement with title to the underlying parcel property. The Easement granted herein is intended to be, and shall remain, a separate and distinct interest in the underlying parcel property, which shall run with the land and be binding upon, and inure to the benefit of, the Grantee, and its successors and assigns outside the conveyance on the underlying property. This Public Drainage Easement shall survive any transfer or conveyance of the underlying parcel property or any portion thereof and shall not be extinguished without a separately recorded document that expressly reunifies the ownership of the Public Drainage Easement with the underlying parcel property.


\*("Grantor" and "Grantee" are used for singular or plural, as context requires.)

TO HAVE AND TO HOLD the same unto the Grantee, its successors and assigns forever.

IN WITNESSES WHEREOF, the Grantor has hereunto set Grantor's hand and seal the day and year first above written.

**WITNESSES:**

  
\_\_\_\_\_  
(Witness 1 Signature)  
Print Name: CAROL MITCHELL  
Address: 101 NE 3rd Ave, #2100  
Fort Lauderdale, FL 33301

  
\_\_\_\_\_  
(Witness 2 Signature)  
Print Name: Amber Cabrera  
Address: 101 NE 3rd Ave  
Fort Lauderdale FL 33301

**GRANTOR:**

CITY OF FORT LAUDERDALE, A  
MUNICIPAL CORPORATION OF  
FLORIDA

By:   
\_\_\_\_\_  
Susan Grant, Acting City Manager

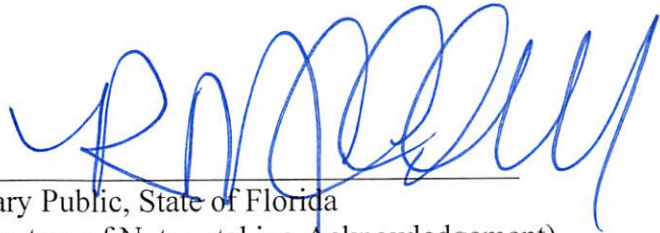
STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 20th day of Sept., 2024 by Susan Grant, Acting City Manager of the City of Fort Lauderdale, a municipal corporation of Florida on behalf of the City of Fort Lauderdale, Florida.

Approved as to Form and Correctness:  
Thomas J. Ansbro, City Attorney



Shaun N. Amarnani, Esq., Asst. City  
Attorney  
Fort Lauderdale



Notary Public, State of Florida  
(Signature of Notary taking Acknowledgement)

Name of Notary Typed, Printed or Stamped

My Commission Expires: 8/29/2026

Commission Number: # HH 306617

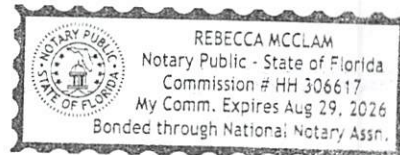






Exhibit A

SKETCH AND LEGAL DESCRIPTION

BY

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

CERTIFICATE OF AUTHORIZATION LB#3870



LEGAL DESCRIPTION: 50' DRAINAGE EASEMENT

A PORTION OF TRACT "C", **PALM AIRE VILLAGE 4TH SECTION**, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 96, PAGE 35, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

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CLIENT: KIEWIT WATER FACILITIES FLORIDA CO.

SCALE: N/A

DRAWN: M.M.M.

ORDER NO.: 73227

DATE: 8/15/24

50' DRAINAGE EASEMENT

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: PROSPECT LAKE CLEAN WATER

SHEET 1 OF 3

**John F  
Pulice**

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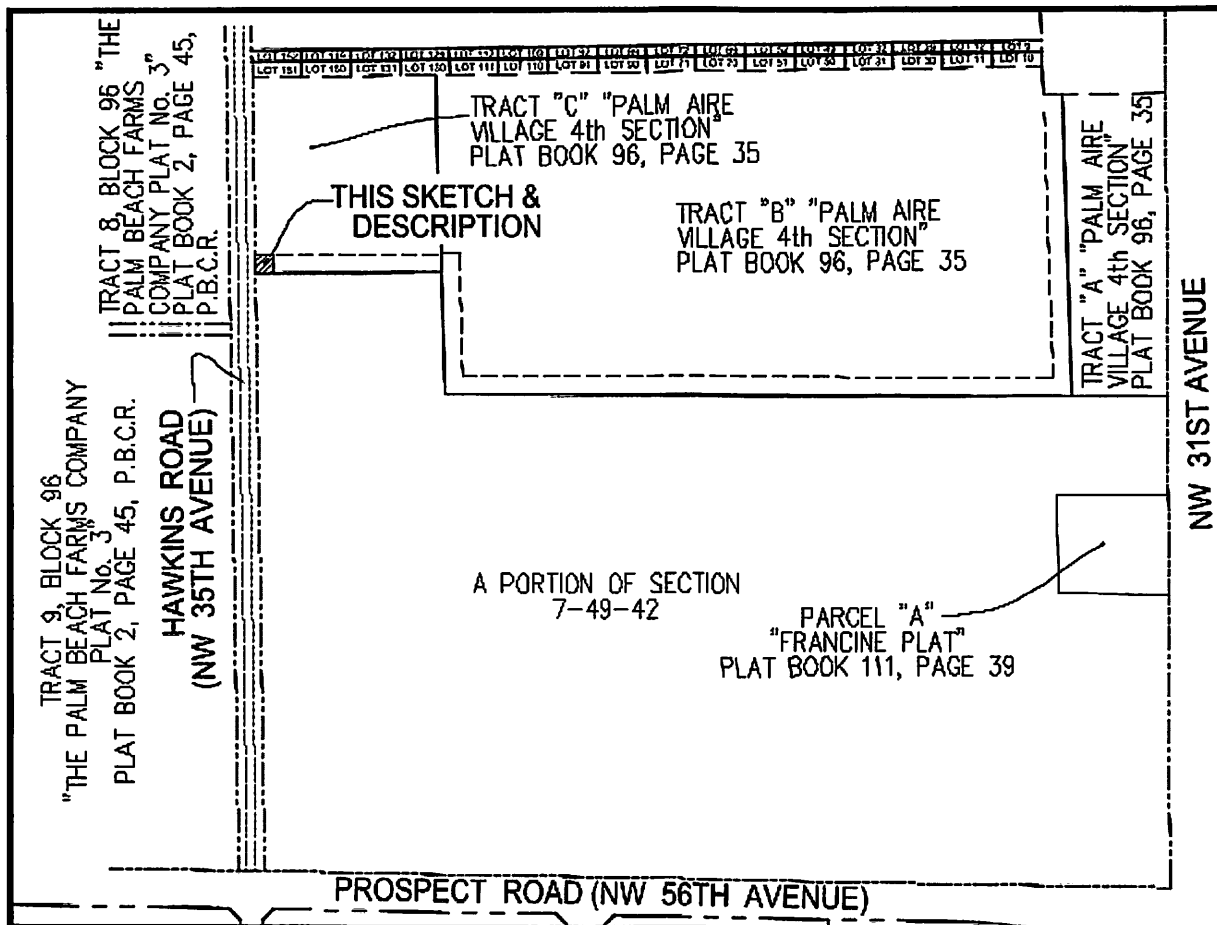


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50' DRAINAGE EASEMENT

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SHEET 2 OF 3

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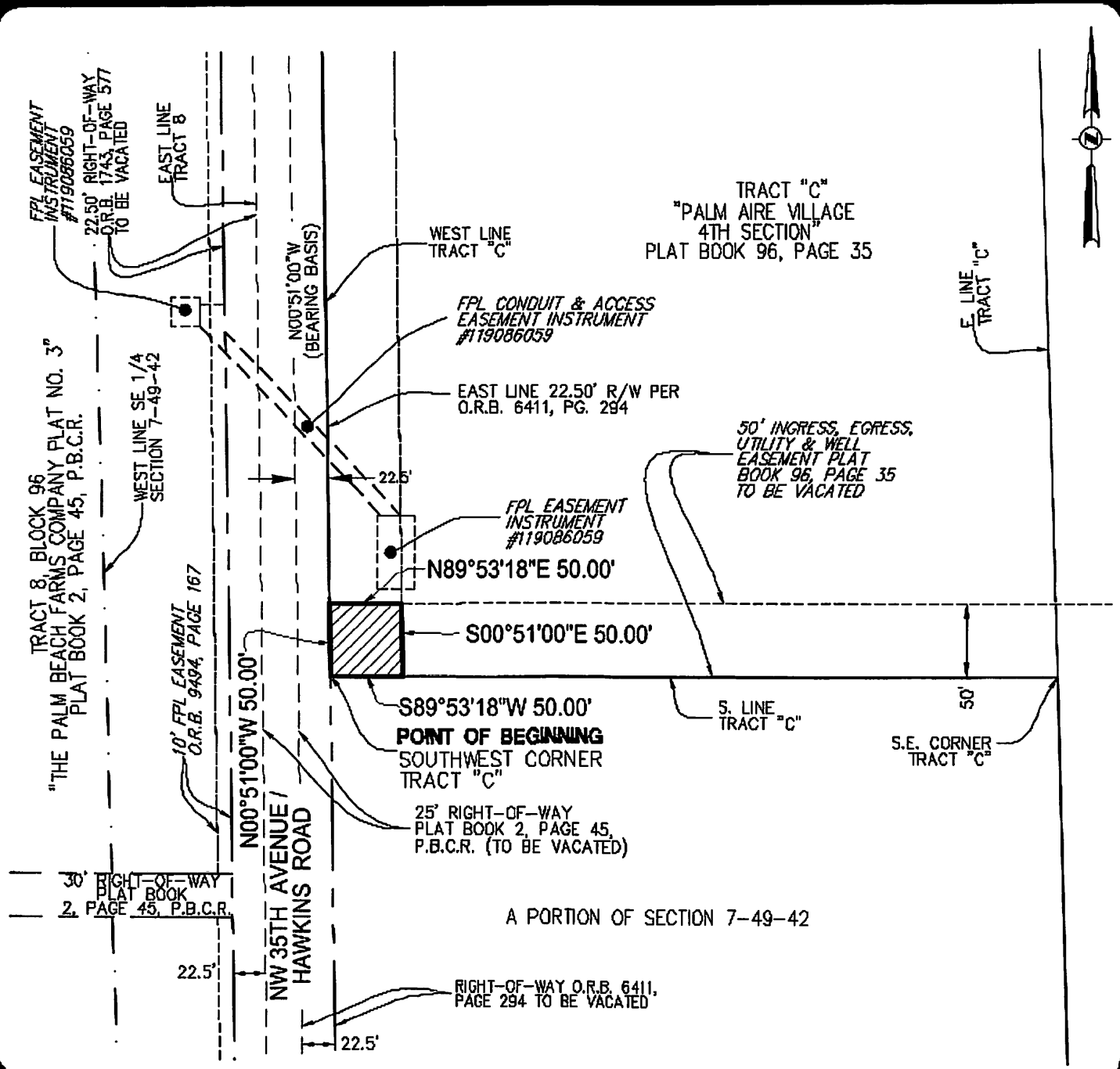
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 P.B.C.R. PALM BEACH COUNTY RECORDS  
 PG. PAGE  
 7-49-42 SECTION-TOWNSHIP-RANGE



COMMISSION AGENDA ITEM  
DOCUMENT ROUTING FORM

16

Today's Date: 9/18/24

DOCUMENT TITLE: Prospect Lake Clean-up Project - Hawkins Road ROW Vacation Easement

COMM. MTG. DATE: 9/3/2024 CAM #: 24-0701 ITEM #: R-4 CAM attached:  YES  NO

Routing Origin: CAO Router Name/Ext: Sonia Sierra x-5598 Action Sum. attached:  YES  NO

CIP FUNDED:  YES  NO

Capital Investment / Community Improvement Projects defined as having a life of at least 10 years and a cost of at least \$50,000 and shall mean improvements to real property (land, buildings, or fixtures) that add value and/or extend useful life, including major repairs such as roof replacement, etc. Term "Real Property" include: land, real estate, realty, or real.

1) Dept: CAO Router Name/Ext: Sonias X5598 # of originals routed: 1 Date to CAO: 9/18/24

2) City Attorney's Office: Documents to be signed/routed?  YES  NO # of originals attached: 1

Is attached Granicus document Final?  YES  NO Approved as to Form:  YES  NO

Date to CCO: 9/18/24 Shaun Amarnani Attorney's Name SA Initials

3) City Clerk's Office: # of originals: 1 Routed to: Donna V./Amber C. /CMO Date: 09/18/24

4) City Manager's Office: CMO LOG #: SEP 58 Document received from: 9/19/24

Assigned to: SUSAN GRANT  ANTHONY FAJARDO  LAURA REESE  BEN ROGERS

SUSAN GRANT as Acting City Manager

APPROVED FOR S. GRANT'S SIGNATURE  N/A FOR S. GRANT TO SIGN

PER ACM: A. Fajardo \_\_\_\_\_ (Initial/Date) PER ACM: L. REESE \_\_\_\_\_ (Initial/Date)

B. Rogers \_\_\_\_\_ (Initial/Date)

PENDING APPROVAL (See comments below)

Comments/Questions: \_\_\_\_\_

Forward 1 originals to  Mayor  CCO Date: \_\_\_\_\_

5) Mayor/CRA Chairman: Please sign as indicated. Forward \_\_\_\_\_ originals to CCO for attestation/City seal (as applicable) Date: \_\_\_\_\_

6) City Clerk: Scan original and forwards 1 originals to: Sonia Sierra /CAO/ Ext. 5598

Attach \_\_\_\_\_ certified Reso # 24-165  YES  NO

Original Route form to Sonias X5598