RESOLUTION NO. 24-

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 <u>SECTION 2</u> 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:

<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:

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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 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

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

- 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	s day of _	, 2024.	
ATTEST:		Mayor DEAN J. TRANTA	LIS
Otto Olania		Dean J. Trantalis	
City Clerk DAVID R. SOLOMAN		John C. Herbst	
APPROVED AS TO FORM AND CORRECTNESS:		Steven Glassman	
		Pamela Beasley-Pittman	
City Attorney THOMAS J. ANSBRO		Warren Sturman	



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



SCALE 1" = 50' SKETCH AND DESCRIPTION S.W. 12th CT.						
SCALE 1" = 50' SKETCH AND DESCRIPTION A PORTION OF S.W. 3rd AVENUE FORT LAUDERDALE, FL						
25 6 0	12 Pa UE (1)					
* 75 g. cg.	TO VACATE THE EAST ONE-HALF OF RETAINED UTILITY EASEMENT					
	RETAINED UTILITY EASEMENT					
S. S	RETAINED UTILITY EASEMENT (O.R. 29983, PG. 188, B.C.R.)					
22 8 20 9	47)	LEGEND: RAW-RIGHT-OF-WAY				
1 1 1 2 a	STA UE	B.C.R. = BROWARD COUNTY RECORDS				
0786	2 5 5	P.B.= PLAT BOOK				
0, 8	- 7 4	O.R. = OFFICIAL RECORDS BOOK S.W. 146 ASTREET PG = PAGE				
S.W. 13th STR	SX15'	G = CENTERLINE SITE LAYOUT				
0. W. 10th 51Kt	SX15' E	LEGAL DESCRIPTION: NOT TO SCALE				
100000	00.00.El	A portion of the East one—half (E 1/2) of vacated S.W. 3rd Avenue right—of—way, now vacated and				
SOUTH R/W LINE 2	5.00	retained as a Utility Easement, as recorded in Official				
	50.00'	of Broward County, Florida, West of and adjacent to				
_ \	4 1	Block One of SURLESS'S, according to the plat thereof, as recorded at Plat Book 91, Page 15,				
. 8×€.	A VENUE 122.40' 188, B.C.R. IRE FEE	Public Records of Broward County, Florida, bounded as follows:				
\$ 5 % O.	4 VEN 122.40' 88, 8.C. RE FI	8				
×X:		Bounded on the North by the Easterly extension of the South right-of-way line of Southwest 13th Street				
LOT 1, BLOCK UTH RIVER SI CROISSANT S. 8, PG. 20, TH LINE, LOT 1 WEST R/W LINE	13 (6 - 3					
PG.	(2) 10, -1	South line of Lot 1 Block 43 SOUTH BIVER SECTION				
7.78 % N	S. W. S. W. 29983, 29983, S. O. S.	GROISSANT PARK, according to the Plat thereof as recorded in Plat Book 8, Page 20, of the Public				
LOT SOUTH OF CR P.B. 8,	S. W. NOOTO NOOTO 2. 2996 060	Records of Broward County, Florida, and Bounded on the East by the West line of Block One, SURLESS'S				
LOT 1, BLC SOUTH RIVER OF CROISSAN (P.B. 8, PG. 2 SOUTH LINE, LOT WEST R/W LIN	J. C.R.	plat, according to the Plat thereof, recorded in Plat				
j		Book 91, Page 15 of the Public Records of Broward County, Florida and Bounded on the West by the				
/	25'0	g centerline of said Southwest 3rd Avenue right-of-way, (50 foot right-of-way).				
16' PLATTED ALLEY	25'	THE STATE OF THE S				
	N90'00'00"	Sold lands situate, lying and being in the City of Fort				
LOT 26, BLOCK 43,	88	Lauderdale, Broward County, Florida and containing 3,050 square feet or 0.0702 acres, more or less.				
	8 1	E CERTIFICATION				
NOTES:	7	Certified Correct. Dated at Fort Lauderdale, Florida this 6th day of October, 2023.				
Revised Title this 5th day of January, 2024.						
shown on above referenced record plat(s), the subject property 20th days of January, 2024.						
was not abstracted for other easements, road reservations or McLAUGHLIN ENGINEERING COMPANY rights—of—way of record by McLaughtin Engineering Company. A DIVISION OF CONTROL POINT ASSOC. INC.						
2) Legal description prepared by McLaughlin Engineering Co. 3) 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 Block 1, as						
South 00'00'00" East.	South 00'00'00' East. Starte 45 to Florida.					
FIELD BOOK NO.		DRAWN BY:				