

ORDINANCE NO. C-13-39

AN ORDINANCE VACATING, ABANDONING AND CLOSING ALL THAT CERTAIN 15 FOOT PLATTED ALLEY LYING WEST OF AND ADJACENT TO LOTS 1 THROUGH 24 INCLUSIVE AND LYING EAST OF AND ADJACENT TO LOTS 25 THROUGH 48 INCLUSIVE, BLOCK 17 "NORTH LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 48 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, GENERALLY LOCATED NORTH OF NORTHWEST 4TH STREET, WEST OF NORTHWEST 8TH AVENUE, EAST OF NORTHWEST 9TH AVENUE AND SOUTH OF NORTHWEST 5TH STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, New Mount Olive Baptist Church, Inc., applied for the vacation of certain right-of-way as described in Section 1 herein associated with the development known as the New Mount Olive Baptist Church; and

WHEREAS, the Planning and Zoning Board, at its meeting of June 19, 2013 (PZ Case No. 2-P-13), did recommend to the City Commission of the City of Fort Lauderdale ("City Commission") the vacation of the below-described alley subject to conditions; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, September 17, 2013 and Tuesday, October 1, 2013 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; 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

WHEREAS, the City Commission has determined that the application for vacation of right-of-way meets the criteria of Section 47-24.6.A.4 of the Unified Land Development Regulations;

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

SECTION 1. That the below-described alley is hereby vacated, abandoned, and closed and shall no longer constitute a public right-of-way, subject to the public access easement to be conveyed as provided in Section 2 below, more particularly described in the attached Exhibit:

ALL THAT CERTAIN 15 FOOT PLATTED ALLEY LYING WEST OF AND ADJACENT TO LOTS 1 THROUGH 24 INCLUSIVE AND LYING EAST OF AND ADJACENT TO LOTS 25 THROUGH 48 INCLUSIVE, BLOCK 17 "NORTH LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 48 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Location: North of N.W. 4th Street, west of N.W. 8th Avenue, east of N.W. 9th Avenue and south of N.W. 5th Street.

SECTION 2. That the applicant shall convey a public access easement as approved by the City Engineer in accordance with Commission Agenda Report No. 13-1157.

SECTION 3. 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 4. That this Ordinance shall be in full force and effect on the date a certificate of the City Engineer is recorded in the public records of Broward County evidencing that all conditions of the vacation set forth below have been satisfied:

(a) Vacation of the right-of-way shall be effective upon completion of the development and evidenced by an Engineer's Certificate;

(b) As per AT&T, the owner will be required to grant a new easement, conduit and any other support facilities required by the company within the 15-foot right-of-way to be vacated;

(c) Any utilities required to be removed, replaced or relocated, shall be done so at the applicant's expense, and as approved by the City Engineer. All improvements constructed within the easement shall conform to City engineering standards; and

(d) 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 have been met. A copy of the recorded certificate must be provided to the City.

SECTION 5. 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 6. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 7. That this Ordinance shall be in full force and effect ten days from the date of final passage.

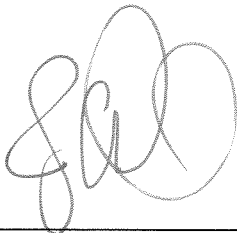
PASSED FIRST READING this the 17th day of September, 2013.

PASSED SECOND READING this the 1st day of October, 2013.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



ASST City Clerk
JONDA K. JOSEPH
JEFFREY MODARELLI

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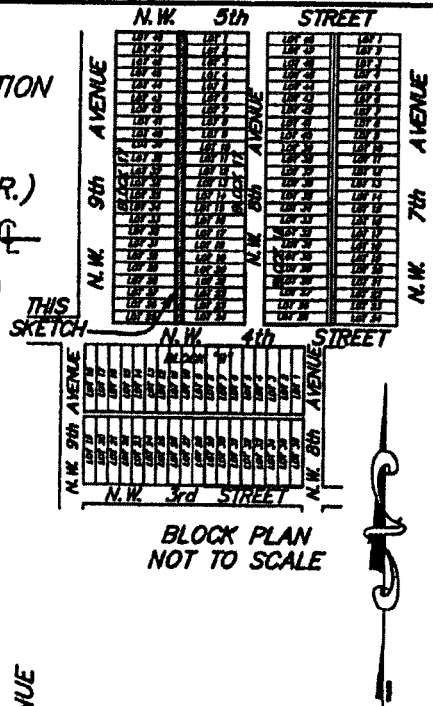
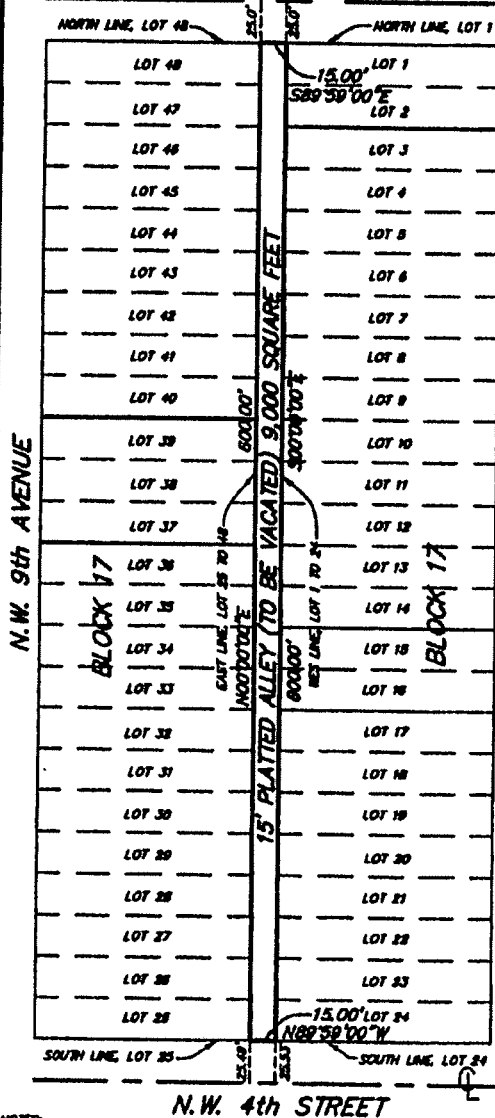


McLAUGHLIN ENGINEERING COMPANY
 LB#285
 ENGINEERING • SURVEYING • PLATTING • LAND PLANNING
 400 N.E. 3rd AVENUE FORT LAUDERDALE, FLORIDA
 33301 PHONE (954) 763-7611 • FAX (954) 763-7615

M.R. OK

SCALE 1" = 80'

SKETCH AND DESCRIPTION
 TO ACCOMPANY VACATION PETITION
 15' ALLEY IN BLOCK 17,
 NORTH LAUDERDALE
 (PLAT BOOK 1, PAGE 48, D.C.R.)
 N.W. 5th STREET



LEGAL DESCRIPTION:
 All that certain 15.00 foot
 platted Alley in Block 17, NORTH
 LAUDERDALE, according to the
 plat thereof, as recorded in Plat
 Book 1, Page 48, of the public
 records of Dade County, Florida,
 lying West of and adjacent to
 Lots 1 through 24 inclusive, of
 said Block 17 AND lying East of
 and adjacent to Lots 25 through
 48 inclusive of said Block 17.

Said lands situate, lying and
 being in, the City of Fort
 Lauderdale, Broward County,
 Florida and containing 9,000
 square feet or 0.2066 acres
 more or less.

CERTIFICATION
 Certified Correct. Dated at
 Fort Lauderdale, Florida this
 27th day of April, 2012.

McLAUGHLIN ENGINEERING COMPANY

 CARL E. ALBREKTSEN
 Registered Land Surveyor No. 4185
 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 descriptions prepared by McLaughlin Engineering Co.
 - 3) This drawing is not valid unless sealed with an embossed surveyor's seal.
 - 4) THIS IS NOT A BOUNDARY SURVEY.
 - 5) Bearings shown assume the South line of said Block 17, as North 89°59'00" West.

FIELD BOOK NO. _____
 JOB ORDER NO. U-7300
 C:\JMM\2012\U7300(PLAT)
 REF. DWG.: 11-3-027

DRAWN BY: JMMJ
 CHECKED BY: _____