

ORDINANCE NO. C-17-

AN ORDINANCE VACATING ALL OF THE PLATTED 15 FOOT ALLEY IN BLOCK 6, "AMENDED PLAT OF BLOCKS 1, 2, 3, 4, 5, 6, 7, 8, 25, 26, 27, 28, 29, 30, 31, 32 AND 33 OF NORTH LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 182, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED NORTH OF NORTHEAST 5th STREET, EAST OF NORTH ANDREWS AVENUE, WEST OF NORTHEAST 1st AVENUE AND SOUTH OF NORTHEAST 6th STREET (SISTRUNK BOULEVARD), ALL SAID LANDS BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, BR ArchCo Flagler Village, LLC, applied for the vacation of certain right-of-way as described in Section 1 herein; and

WHEREAS, the Planning and Zoning Board, at its meeting of April 18, 2017 (PZ Case No. V17002), 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, August 22, 2017, and Wednesday, September 6, 2017, 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 City of Fort Lauderdale, Florida 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 and shall no longer constitute a public right-of-way:

See Exhibit "A" attached hereto and made a part hereof.

Location: North of Northeast 5th Street, east of North Andrews Avenue, west of Northeast 1st Avenue, and south of Northeast 6th Street (Sistrunk Boulevard).

SECTION 2. 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 3. 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 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 5. 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 6. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 7. That this Ordinance shall be in full force and effect upon the recordation in the public records of Broward County, Florida, of a certificate executed by the City Engineer evidencing that all conditions listed on Exhibit "B" attached hereto have been met. A copy of the recorded certificate must be provided to the City.

PASSED FIRST READING this the ____ day of _____, 2017.

PASSED SECOND READING this the ____ day of _____, 2017.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI

M.Q. OK.



STONER & ASSOCIATES, INC.

SURVEYORS - MAPPERS
Florida Licensed Surveying
and Mapping Business No. 6633

4341 S.W. 62nd Avenue
Davie, Florida 33314

Tel. (954) 585-0997
Fax (954) 585-3927

**LEGAL DESCRIPTION OF
15' ALLEY VACATION
METROPOLITAN APARTMENTS
FORT LAUDERDALE, BROWARD COUNTY, FLORIDA
SECTION 3, TOWNSHIP 50 SOUTH, RANGE 42 EAST**

A 15-FOOT ALLEY WITHIN BLOCK 6, AMENDED PLAT OF BLOCKS 1, 2, 3, 4, 5, 6, 7, 8, 25, 26, 27, 28, 29, 30, 31, 32 AND 33 NORTH LAUDERDALE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 182, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID PLAT NOW SITUATE, LYING, AND BEING IN BROWARD COUNTY, FLORIDA.

SAID ALLEY BOUNDED ON THE NORTH BY THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 52 OF SAID BLOCK 6; ON THE SOUTH BY THE WESTERLY EXTENSION OF SOUTH LINE OF LOT 26, OF SAID BLOCK 6; ON THE EAST BY THE WEST LINE OF LOTS 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 19, 20, 21, 22, 23, 24, 25, AND 26 OF SAID BLOCK 6; AND ON THE WEST BY THE EAST LINE OF LOTS 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 AND 52 OF SAID BLOCK 6

SAID LANDS SITUATE AND BEING WITHIN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, CONTAINING 9,751 SQUARE FEET, MORE OR LESS.

NOTES:

1. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD.
2. THIS SKETCH AND DESCRIPTION IS "NOT VALID" WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF FLORIDA LICENSED SURVEYOR AN MAPPER.
3. THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY. (THIS IS NOT A SURVEY).
4. THE LEGAL DESCRIPTION SHOWN HEREON WAS AUTHORED BY STONER & ASSOCIATES, INC. WITHOUT THE BENEFIT OF A TITLE SEARCH.
5. THE BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF S.02°08'12"E., ALONG THE EAST LINE OF BLOCK 6, AMENDED PLAT OF NORTH LAUDERDALE, RECORDED IN PLAT BOOK 1, PAGE 182, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.
6. SEE SHEET 2 OF 2 FOR A GRAPHIC DEPICTION (SKETCH) OF THE 15-FOOT ALLEY DESCRIBED HEREON.

DATE: Mar 03, 2017 - 8:19am EST
FILE: F:\Draw\MISC\16-8426 Metropolitan Apartments\01-Drawing\16-8477-VAC.dwg

CERTIFICATE:

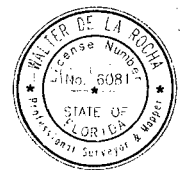
THIS IS TO CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR SURVEYING ESTABLISHED BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODES, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

REVISIONS	DATE	BY
1 CHANGE M.D.C.R. TO D.C.R.	03/03/17	WDLR
MIAMI-DADE TO DADE, PER CITY		

DATE OF SIGNATURE: 3/3/17
WALTER DE LA ROCHA *Walter de la Rocha*
PROFESSIONAL SURVEYOR AND MAPPER NO. 6081 - STATE OF FLORIDA

THE MATERIAL SHOWN HEREON IS THE PROPERTY OF STONER & ASSOCIATES, INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT PERMISSION OF STONER & ASSOCIATES, INC. COPYRIGHT © 2017

DATE OF SKETCH: 01/03/17	DRAWN BY WDLR	CHECKED BY JDS	FIELD BOOK N/A
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SHEET 1 OF 2

SKETCH NO. 16-8477-VAC

m.d. d.k.



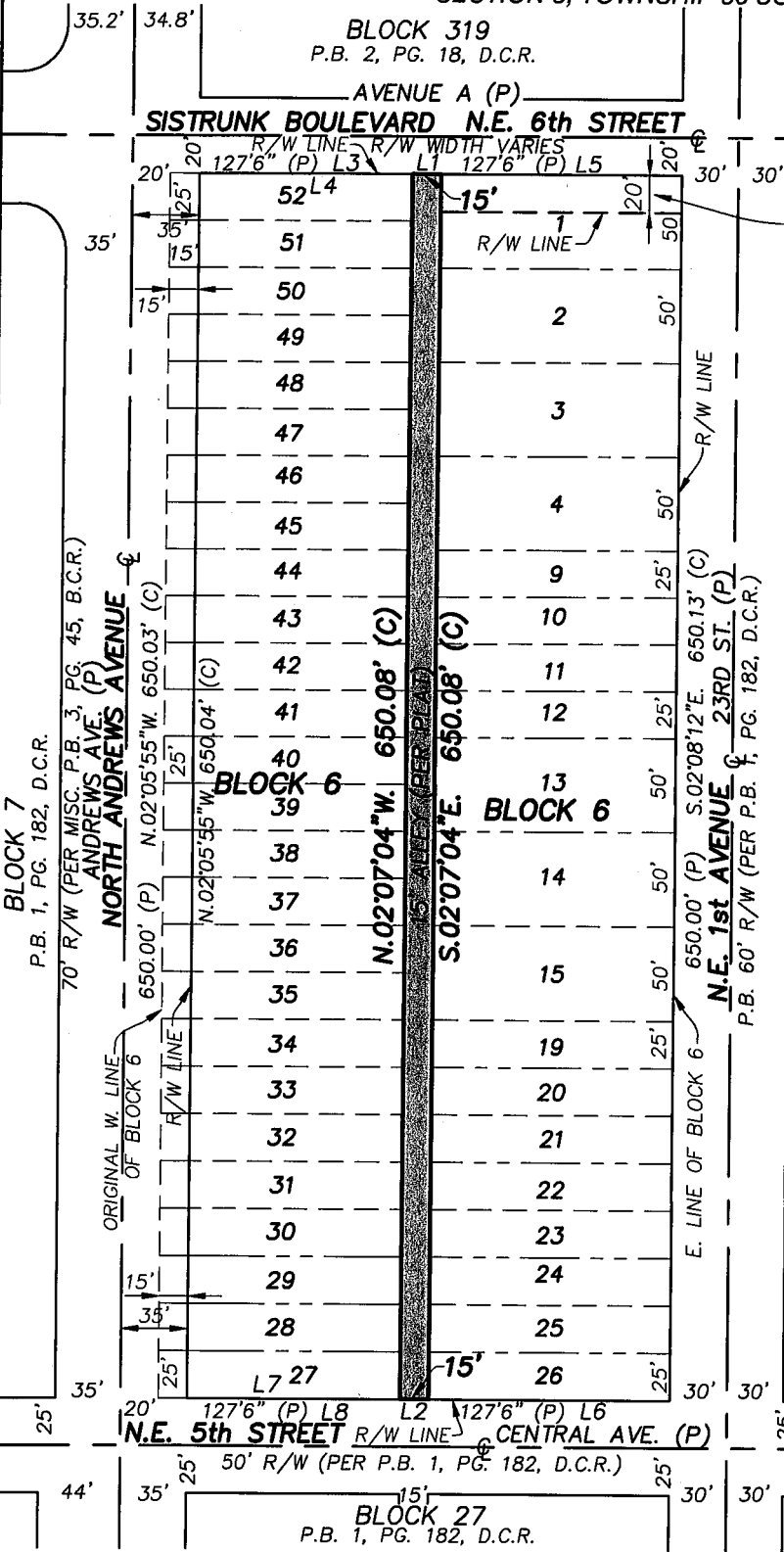
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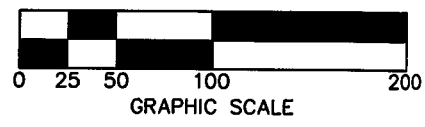
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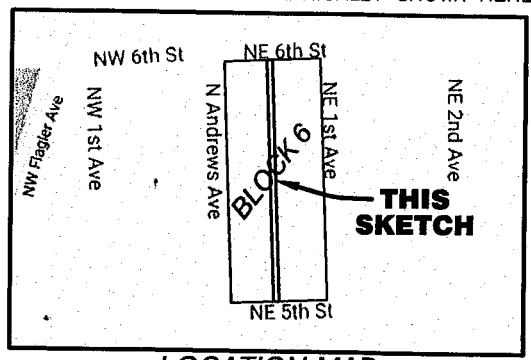
**SKETCH OF DESCRIPTION
15' ALLEY VACATION
METROPOLITAN APARTMENTS
FORT LAUDERDALE, BROWARD COUNTY, FLORIDA
SECTION 3, TOWNSHIP 50 SOUTH, RANGE 42 EAST**



SCALE: 1" = 100'



NOTE:
SEE SHEET 1 OF 2 FOR
THE LEGAL DESCRIPTION OF THE
SKETCH GRAPHICALLY SHOWN HEREON.



LOCATION MAP
NOT TO SCALE

LINE TABLE (C)

LINE	BEARING	DISTANCE
L1	N.87°53'32"E.	15.00'
L2	S.87°54'44"W.	15.00'
L3	N.87°53'32"E.	127.37'
L4	N.87°53'32"E.	112.37'
L5	N.87°53'32"E.	127.37'
L6	S.87°54'44"W.	127.59'
L7	S.87°54'44"W.	112.59'
L8	S.87°54'44"W.	127.59'

- LEGEND:**
- B.C.R. BROWARD COUNTY RECORDS
 - (C) DATA BASED ON CALCULATIONS
 - ⊕ CENTERLINE
 - L1 LINE TABLE
 - LB LICENSED BUSINESS
 - D.C.R. DADE COUNTY RECORDS
 - MISC. MISCELLANEOUS
 - O.R.B. OFFICIAL RECORDS BOOK
 - (P) DATA BASED ON THE PLAT OF RECORD
 - P.B. PLAT BOOK
 - PG. PAGE
 - R/W RIGHT OF WAY
 - SQ.FT. SQUARE FEET

DATE: Mar 03, 2017 - 8:19am EST

FILE: F:\Draw\MISC\16-8426 Metropolitan Apartments\01-Drawing\16-8477-VAC.dwg

EXHIBIT "B"

**CONDITIONS OF APPROVAL
CASE NO. V17002**

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 the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department; and
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 the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider; and
3. 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 listed in the ordinance have been met. A copy of the recorded certificate must be provided to the City; and
4. The right-of-way vacation is conditioned upon the applicant meeting all dedication requirements of the Broward County Trafficway Plan along Sistrunk Boulevard.