

ORDINANCE NO. C-22-27

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA VACATING THAT CERTAIN 28 FOOT WIDE RIGHT OF WAY KNOWN AS "SOUTHEAST 10TH COURT" BEING A PORTION OF LOTS 9 AND 16, BLOCK 2, "LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2 AT PAGE 9 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED NORTH OF SOUTHEAST 11TH STREET, SOUTH OF TARPON RIVER, WEST OF SOUTHEAST 4TH AVENUE AND EAST OF SOUTHEAST 3RD AVENUE, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, the City of Fort Lauderdale, Florida, ("City") applied for the vacation of a public right-of-way more particularly described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the said public right-of-way was conveyed to the City through a deed recorded in Deed Book 565 Page 273 of the Public Records of Broward County, Florida in 1946 to be used as a public street; and

WHEREAS, the City has maintained or repaired the street continuously and uninterruptedly for approximately 76 years; and

WHEREAS, the Planning and Zoning Board, at its meeting of May 18, 2022 (PZ Case No. UDP-V21005), recommended to the City Commission of the City of Fort Lauderdale ("City Commission") that they approve the application for the vacation of a public right-of-way as more particularly described and shown on Exhibit "A" attached hereto, subject to the conditions listed on Exhibit "B" attached hereto and incorporated herein; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, August 16, 2022, at 6:00 o'clock P.M., and Tuesday, September 6, 2022, 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 of the right-of-way; and

WHEREAS, such public hearings were 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 in Section 47-24.6.A.4 of the City of Fort Lauderdale, Florida Unified Land Development Regulations (ULDR);

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

SECTION 1. The City Commission finds that the application for vacation of a right-of-way meets the criteria of Section 47-24.6 of the ULDR as enunciated and memorialized in the minutes of its meetings of August 16, 2022 and September 6, 2022, a portion of those findings expressly listed as follows:

- a. This segment of right-of-way only serves the applicant's properties abutting this portion of SE 10th Court, all of which are included in the proposed redevelopment project and is no longer needed as right-of-way for public purposes.
- b. The portion of SE 10th Court that is proposed to be vacated only serves the properties within the proposed redevelopment project site. Alternative public access routes exist in and around adjacent streets without any impacts on circulation in the immediate area. Access from SE 3rd Avenue to South Federal Highway via SE 11th Street will remain unchanged.
- c. The proposed right-of-way vacation does not create any dead-end conditions. Vehicles will still be able to navigate SE 3rd Avenue and SE 11th Street. Future development plans will be required to include improved sidewalks along all street frontages, including on SE 3rd Avenue and SE 11th Street which will facilitate improved pedestrian connectivity from SE 3rd Avenue to South Federal Highway.
- d. This segment of right-of-way only serves the applicant's properties abutting this portion of SE 10th Court. Future development plans will be requested to include improved sidewalks along all street frontages, including on SE 3rd Avenue and SE 11th Street which will facilitate improved pedestrian connectivity from SE 3rd Avenue to South Federal Highway.

SECTION 2. That the public right-of-way located north of Southeast 11th Street, south of Tarpon River, west of Southeast 4th Avenue and east of Southeast 3rd Avenue, as more particularly described in Exhibit "A" attached hereto, is hereby vacated, abandoned, and closed and shall no longer constitute a public right-of-way, subject to conditions listed on Exhibit "B" attached hereto and incorporated herein.

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 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 5. That all ordinances or parts of ordinances in conflict herewith, are hereby repealed.

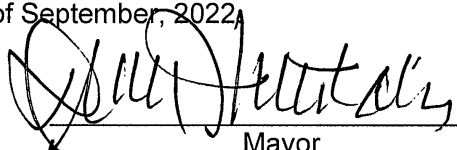
SECTION 6. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain 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.

SECTION 8. 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. The applicant shall provide a copy of the recorded certificate to the City.


PASSED FIRST READING this 16th day of August, 2022.

PASSED SECOND READING this 6th day of September, 2022.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN

EXHIBIT "B"

**CONDITIONS OF APPROVAL
CASE NO. UDP-V21005**

1. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at applicant's expense, or easements granted, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department, unless otherwise stipulated in an agreement between the City and the applicant;
2. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at applicant's expense, or easements granted, 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 have been met. A copy of the recorded certificate must be provided to the City.