

RESOLUTION NO. 19-247

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF CERTAIN 15.00 FOOT WIDE GOVERNMENTAL AND EMERGENCY VEHICULAR AND PEDESTRIAN ACCESS AND UTILITY EASEMENTS GRANTED PURSUANT EASEMENT DEEDS RECORDED IN OFFICIAL RECORDS BOOK 28950, PAGE 1612 AND OFFICIAL RECORDS BOOK 30180, PAGE 1135 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN, LOCATED WEST OF NORTHEAST 1ST AVENUE, NORTH OF NORTHEAST 6TH STREET (EAST SISTRUNK BOULEVARD), EAST OF NORTH ANDREWS AVENUE AND SOUTH OF NORTHEAST 7TH STREET, ALL LOCATED 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"), FV Development, LLC is applying for the vacation of 15-foot wide utility, governmental and emergency ingress and egress easement (Case No. E18021) more fully described in SECTION 2 below, located at 640 North Andrews Avenue, 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 City Engineer has certified that there is no objection to the vacation; and

WHEREAS, the Department of Sustainable Development 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; and

WHEREAS, at its meeting of September 17, 2019, the City Commission of the City of Fort Lauderdale, Florida adopted Resolution 19-191 vacating an identical easement retained over the same 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 December 3, 2019, a portion of those findings expressly listed as follows:

1. The easement area is no longer needed for public purpose. The portion of the easement area being vacated is completely located on the subject property. In addition, the right-of-way is not needed for utilities, governmental, and emergency ingress or egress. The applicant has received a letter of no objection from the City of Fort Lauderdale Utilities Division and as a condition of approval, the utilities within the easement, as specified in the letter will be relocated, removed, or abandoned at the developer's expense; and
2. The applicant has received letters of no objection from all applicable franchise utilities and has provided a site plan which indicates the abandonment of the sewer line and the FPL poles to be rerouted underground. The franchise utility letters of no objection and site plan are included within Exhibit 1 to Commission Agenda Memorandum No. 19-1183.

SECTION 2. That the below described easement is hereby vacated and shall no longer constitute an easement for utilities, and governmental and emergency vehicular and pedestrian access, subject to the conditions provided in SECTION 3 of this resolution:

A PORTION OF THOSE CERTAIN EASEMENTS GRANTED PURSUANT TO EASEMENT DEEDS RECORDED IN OFFICIAL RECORDS BOOK 28950, PAGE 1612 AND OFFICIAL RECORDS BOOK 30180, PAGE 1135 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS THE 15.00 FOOT STRIP OF LAND LYING WEST OF LOTS 11, 12, 13 AND 14, BLOCK 319, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; AND EAST OF LOTS 35, 36, 37 AND 38, BLOCK 319, "SUPPLEMENTAL PLAT OF BLOCK 319, TOWN OF PROGRESSO DADE CO. FLA.", AND THE WEST 7.50 FEET OF THE 15.00 STRIP OF LAND LYING EAST OF LOT 39 OF SAID "SUPPLEMENTAL PLAT OF BLOCK 319, TOWN OF PROGRESSO DADE CO. FLA.", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 125 OF

THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. SAID STRIPS OF LAND BEING THE PORTION OF THE ALLEY VACATED BY ORDINANCE NO. C-97-15 IN OFFICIAL RECORDS BOOK 36690, PAGE 282, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

The area to be vacated more particularly described in Exhibit "A" attached.

Location: West of Northeast 1st Avenue, north of Northeast 6th Street (East Sistrunk Boulevard), east of North Andrews Avenue and south of Northeast 7th Street, Fort Lauderdale, Broward County, Florida

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

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 easements will be dedicated, 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, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider.

SECTION 4. 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 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 all resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 8. That if any clause, section, or other part of this resolution shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this resolution shall not be affected thereby, but shall remain in full force and effect.

ADOPTED this the 3rd day of December, 2019.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI

m.d.o.k.



SKETCH AND LEGAL DESCRIPTION
 BY
PULICE LAND SURVEYORS, INC.
 5381 NOB HILL ROAD
 SUNRISE, FLORIDA 33351
 TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
 E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



LEGAL DESCRIPTION:

THE 15.00 FOOT STRIP OF LAND LYING WEST OF LOTS 11, 12, 13 AND 14, BLOCK 319, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; AND EAST OF LOTS 35, 36, 37 AND 38, BLOCK 319, "SUPPLEMENTAL PLAT OF BLOCK 319, TOWN OF PROGRESSO DADE CO. FLA.", AND THE WEST 7.50 FEET OF THE 15.00 STRIP OF LAND LYING EAST OF LOT 39 OF SAID "SUPPLEMENTAL PLAT OF BLOCK 319, TOWN OF PROGRESSO DADE CO. FLA." ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 125, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. SAID STRIPS OF LAND BEING THE PORTION OF THE ALLEY VACATED BY ORDINANCE NO. C-97-15 IN OFFICIAL RECORDS BOOK 26690, PAGE 282, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA AND CONTAINING 1,687 SQUARE FEET, MORE OR LESS.

NOTES:

- 1) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 2) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 3) ALL RECORDED DOCUMENTS ARE PER THE PUBLIC RECORDS OF BROWARD COUNTY, UNLESS OTHERWISE NOTED.

FILE: HTG VILLAGE VIEW, LLC
SCALE: N/A DRAWN: L.S.
ORDER NO.: 65378A
DATE: 11/6/18; REV 7/10/19
EASEMENT VACATION
FT LAUDERDALE, BROWARD COUNTY, FLORIDA
FOR: VILLAGE VIEW

SHEET 1 OF 3

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THRU 3, INCLUSIVE

Beth Burns

- JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
- BET BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
- VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274 STATE OF FLORIDA

W.D. O.K.

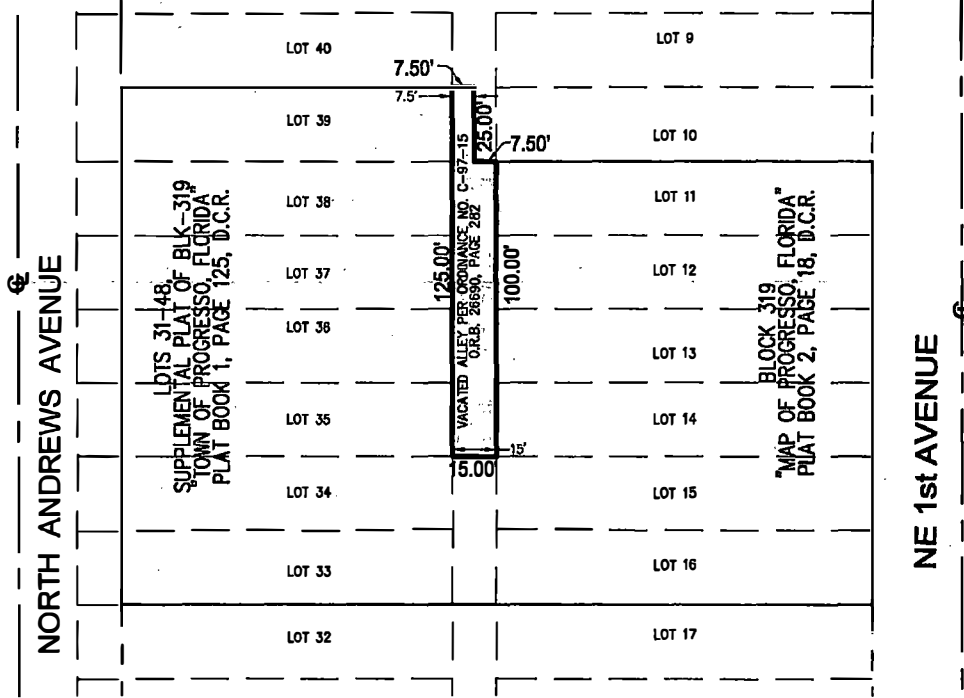


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FILE: HTG VILLAGE VIEW, LLC

SCALE: 1"=50' | DRAWN: L.S.

ORDER NO.: 65378A

DATE: 11/6/18; REV 7/10/19

EASEMENT VACATION

FT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: VILLAGE VIEW

SHEET 3 OF 3

THIS DOCUMENT IS NEITHER FULL NOR
COMPLETE WITHOUT SHEETS 1 THRU 3,
INCLUSIVE

LEGEND:

- Ⓢ CENTERLINE
- O.R.B. OFFICIAL RECORDS BOOK
- D.C.R. DADE COUNTY RECORDS

M.D.O.K.

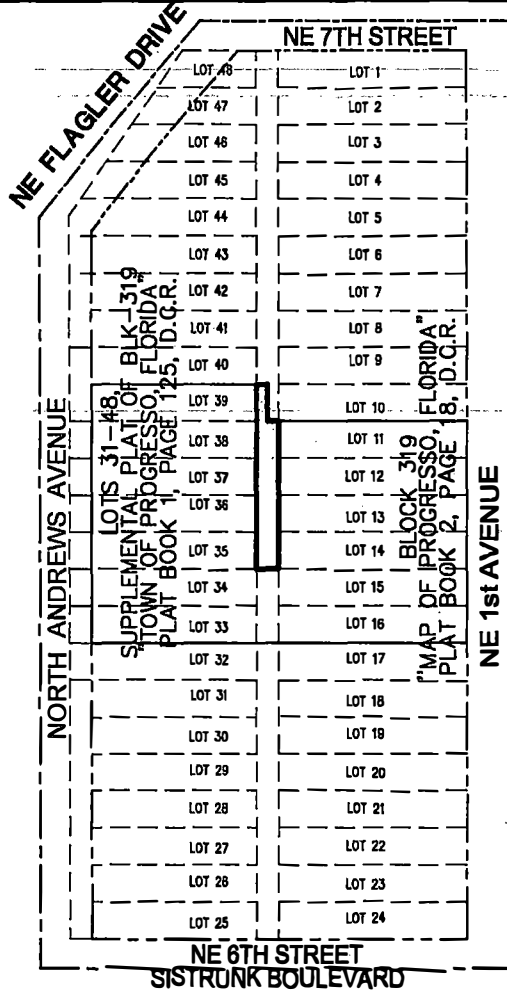


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LOCATION SKETCH
NOT TO SCALE

FILE: HTG VILLAGE VIEW, LLC
SCALE: N/A DRAWN: L.S.
ORDER NO.: 65378A
DATE: 11/8/18; REV 7/10/19
EASEMENT VACATION
FT LAUDERDALE, BROWARD COUNTY, FLORIDA
FOR: VILLAGE VIEW

SHEET 2 OF 3

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THRU 3, INCLUSIVE