

ORDINANCE NO. C-22-

AN ORDINANCE VACATING A PORTION OF THAT CERTAIN 40-FOOT RIGHT OF WAY FOR SOUTHWEST 1st STREET (PLATTED AS FLORIDA STREET) LYING BETWEEN LOTS 1 THROUGH 4, BLOCK 125, AND LOTS 25 THROUGH 28, BLOCK 118, "WAVERLY PLACE", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 19 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED WEST OF SOUTHWEST 12TH AVENUE, NORTH OF MIDDLE STREET (SOUTHWEST 2nd COURT), EAST OF SOUTHWEST 14TH AVENUE AND SOUTH OF WEST BROWARD BOULEVARD, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, City of Fort Lauderdale, Florida, 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 Planning and Zoning Board, at its meeting of June 15, 2022 (PZ Case No. UDP-V22003), 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 Unified Land Development Regulations;

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:

[SPACE RESERVED FOR FINDINGS OF FACTS]

SECTION 2. That the public right-of-way located west of Southwest 12th Avenue, north of Middle Street (Southwest 2nd Court), east of Southwest 14th Avenue and south of West Broward Boulevard, 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.

ORDINANCE NO. C-22-

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PASSED FIRST READING this _____ day of _____, 2022.

PASSED SECOND READING this _____ day of _____, 2022.

Mayor
DEAN J. TRANTALIS

ATTEST:

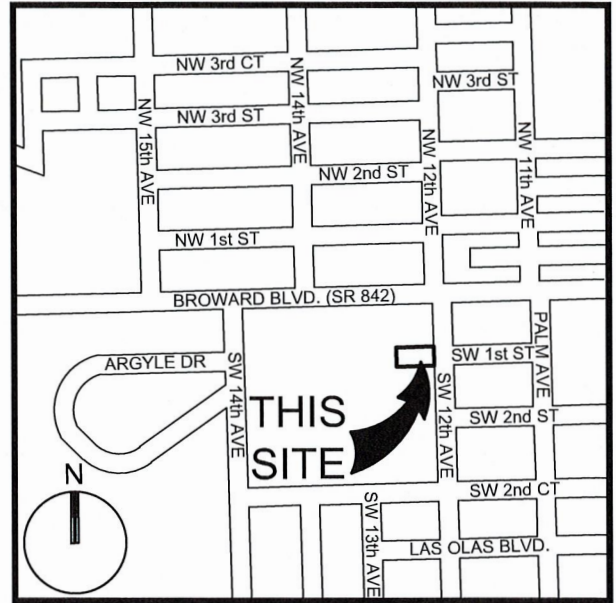
City Clerk
DAVID R. SOLOMAN

LEGAL DESCRIPTION:

A PORTION OF THAT CERTAIN 40' RIGHT OF WAY FOR S.W. 1st STREET (FLORIDA STREET PER PLAT) LYING BETWEEN LOTS 1 THROUGH 4, INCLUSIVE, BLOCK 125, AND LOTS 25 THROUGH 28, INCLUSIVE, BLOCK 118, SUBDIVISION OF WAVERLY PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 19 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 125; THENCE SOUTH 02°02'58" EAST, 40.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 28, BLOCK 118; THENCE SOUTH 88°00'53" WEST ALONG THE NORTH LINE OF SAID BLOCK 118, ALSO BEING THE SOUTH RIGHT OF WAY LINE OF SW 1st STREET ALSO KNOWN AS ARPEIKA STREET (FLORIDA STREET PER PLAT), 100.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 25, BLOCK 118; THENCE NORTH 02°02'58" WEST, 40.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4, BLOCK 125; THENCE NORTH 88°00'53" EAST, ALONG THE SOUTH LINE OF SAID BLOCK 125, ALSO BEING THE NORTH RIGHT OF WAY LINE OF SW 1st STREET ALSO KNOWN AS ARPEIKA STREET (FLORIDA STREET PER PLAT), 100.00 FEET TO THE POINT OF BEGINNING.

SAID LAND SITUATED AND LYING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND CONTAINING 4,000 SQUARE FEET OR 0.092 ACRES MORE OR LESS.



LOCATION MAP:
NOT TO SCALE

SURVEY NOTES:

1. THE LEGAL DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
2. KEITH AND ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION NUMBER IS L.B.#6860.
3. NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR AN ENCRYPTED DIGITAL SIGNATURE OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.
4. IT IS A VIOLATION OF THE STANDARDS OF PRACTICE RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, TO ALTER THIS SKETCH AND DESCRIPTION WITHOUT THE EXPRESSED PRIOR WRITTEN CONSENT OF THE SURVEYOR. ADDITIONS AND DELETIONS MADE TO THE FACE OF THIS SKETCH AND DESCRIPTION WILL MAKE THIS DOCUMENT INVALID.
5. THIS SKETCH AND DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY.
6. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF NORTH 88°01'11" EAST ALONG THE SOUTH RIGHT OF WAY LINE OF WEST BROWARD BOULEVARD (STATE ROAD 842).
7. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
8. THE INTENDED DISPLAY SCALE FOR THIS SKETCH IS 1"= 100' OR SMALLER.

CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH & DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS DEPICTED TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THE INFORMATION AS WRITTEN UNDER MY DIRECTION ON MARCH 10, 2022 MEETS THE STANDARDS OF PRACTICE RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

KEITH & ASSOCIATES, INC.
CONSULTING ENGINEERS

DONALD A. SPICER, PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 4677

SKETCH & DESCRIPTION

A PORTION OF THAT CERTAIN 40' RIGHT OF WAY FOR S.W. 1st STREET (FLORIDA STREET PER PLAT) LYING BETWEEN BLOCKS 118 & 125, BOTH OF SUBDIVISION OF WAVERLY PLACE P.B. 2, PG. 19, D.C.R.

CITY OF FT. LAUDERDALE, BROWARD COUNTY, FLORIDA



301 EAST ATLANTIC BOULEVARD
POMPANO BEACH, FLORIDA 33060-6643
(954) 788-3400 FAX (954) 788-3500
EMAIL: mail@KEITHteam.com LB NO. 6860

SHEET 1 OF 2

DRAWING NO. 11112.00-SKETCH & DESCRIPTION-02.DWG

DATE 03/10/22

SCALE AS SHOWN

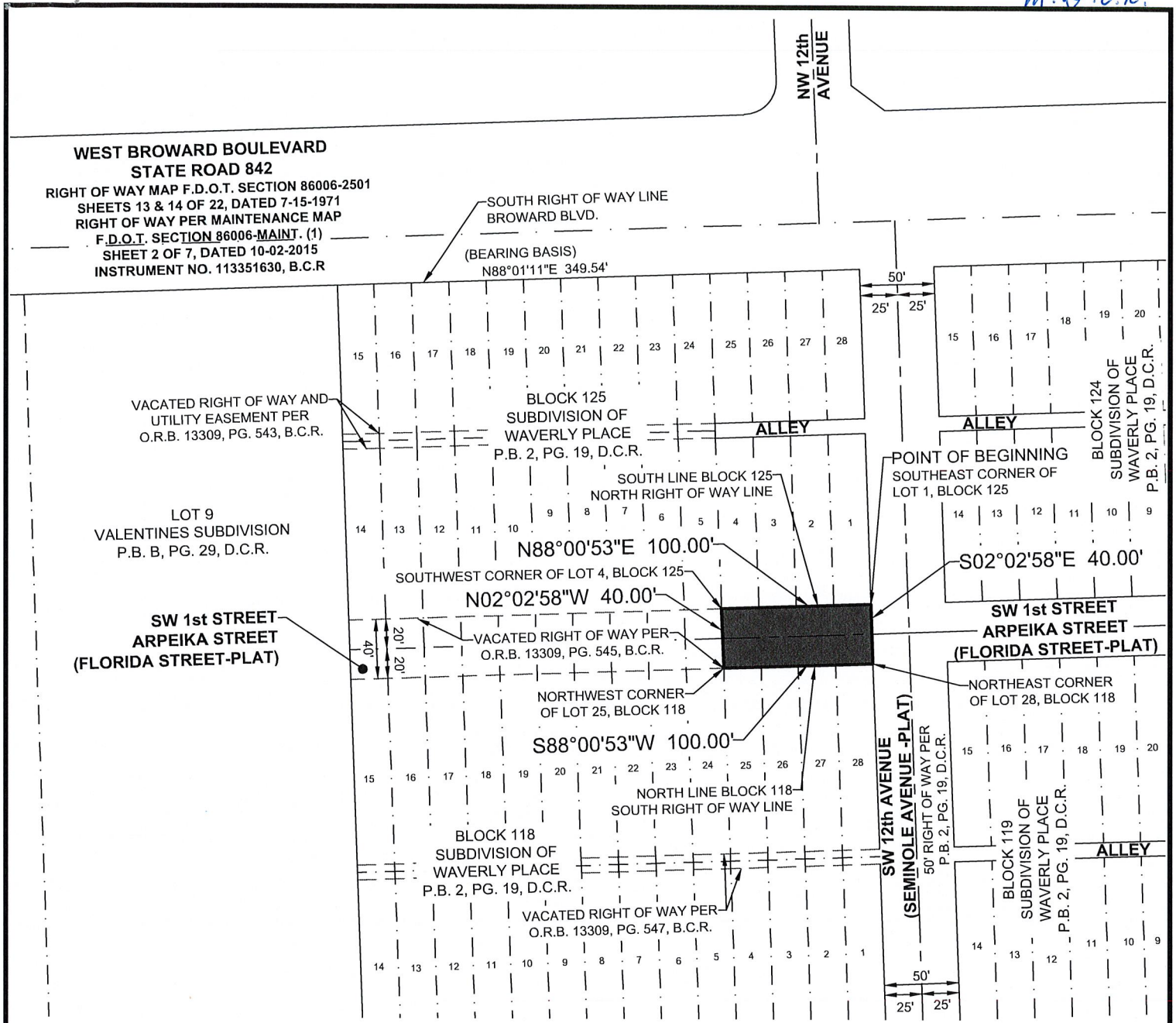
FIELD BK. N/A

DWNG. BY DB

CHK. BY DS

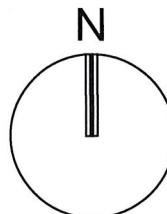
DATE	REVISIONS
3/17/22	ADD ALLEY
3/31/22	REMOVED
5/4/22	LEGAL REV.

CAM # 22-0657



LEGEND:

- B.C.R. BROWARD COUNTY RECORDS
- D.C.R. DADE COUNTY RECORDS
- F.D.O.T. FLORIDA DEPARTMENT OF TRANSPORTATION
- P.B. PLAT BOOK
- PG. PAGE
- PGS. PAGES
- O.R.B. OFFICIAL RECORDS BOOK



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SHEET 2 OF 2

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DATE 03/10/22

SCALE AS SHOWN

FIELD BK. N/A

DWNG. BY DB

CHK. BY DS

DATE	REVISIONS
3/17/22	ADD ALLEY
3/31/22	REMOVED
5/4/22	LEGAL REV.

AM # 22-0657

Exhibit 6

EXHIBIT "B"

**CONDITIONS OF APPROVAL
CASE NO. UDP-V22003**

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 have been met. A copy of the recorded certificate must be provided by the applicant to the City.