

RESOLUTION NO. 24-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THAT CERTAIN 8.00 FOOT DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3035, PAGE 586, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID EASEMENT LYING SOUTHERLY OF TRACT "A", "AALW STORAGE PLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 183, PAGE 273, ALL OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED EAST OF HOLLY HEIGHTS DRIVE (NORTHEAST 13TH COURT), NORTH OF NORTHEAST 13TH STREET, WEST OF THE FLORIDA EAST COAST RAILWAY AND SOUTH OF NORTHEAST 15TH STREET, ALL SAID LANDS SITUATE, LYING AND BEING 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"), Broward Automotive, Inc. is applying for the vacation of an 8-foot wide by 175-foot long drainage easement (Case No. UDP-EV24001) more fully described in SECTION 2 below, located east of Holly Heights Drive (Northeast 13th Court), north of Northeast 13th Street, west of the Florida East Coast Railway and south of Northeast 15th Street, 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 Development Services Department 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;

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, 2024, a portion of those findings expressly listed as follows:

1. The easement was dedicated to the City for surface water drainage facilities. There is a concrete drainage pipe located within the easement that is no longer needed and will be removed in accordance with City of Lauderdale standards.
2. There are no utilities within the drainage easement. Applicant has provided letters of no objection from TECO, AT&T, FPL, Comcast, and the City of Fort Lauderdale's Public Works Department.

SECTION 2. That the below described easement is hereby vacated and shall no longer constitute an easement for storm and surface water drainage facilities, subject to the conditions provided in SECTION 3 of this resolution:

VACATING THAT CERTAIN 8.00 FOOT DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3035, PAGE 586, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID EASEMENT LYING SOUTHERLY OF TRACT "A", "AALW STORAGE PLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 183, PAGE 273, ALL OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

More particularly described in Exhibit "A" attached.

Location: East of Holly Heights Drive (Northeast 13th Court), north of Northeast 13th Street, west of the Florida East Coast Railway and south of Northeast 15th Street

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. An applicable engineering permit shall be obtained prior to the removal of the structures. The completed work shall be accepted by the City Engineer through the permitting process.
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.

- 3. The applicant shall, at their own expense, remove the existing 18” reinforced concrete pipe (“RCP”) stormwater pipe between Structure #EX-1 and Structure #EX-2, and plug the northeast invert in Structure #EX-1, as depicted on the ‘No Objection Letter’ issued by the City’s Public Works Department on July 5, 2024. (Exhibit “B”). An applicable engineering permit shall be obtained prior to the removal of the structures. The completed work must be accepted by the City Engineer in the permitting process prior to execution of the Engineer’s Certificate.
- 4. The vacating resolution 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. This certificate shall state that all conditions of the vacation have been met, including that all existing facilities located within the vacated easement have been relocated or abandoned to the satisfaction of the respective utility owners. A copy of the recorded certificate must be provided to the City upon recordation.

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. That the approval of the vacation of the easement shall expire in 24 months from the date of final passage of this resolution if the certificate required in Section 3, paragraph 4 of this resolution has not been recorded in the public records of Broward County, Florida.

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.

ADOPTED this ____ day of _____, 2024.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:

Interim City Attorney
D'WAYNE M. SPENCE

Dean J. Trantalis _____

John C. Herbst _____

Steven Glassman _____

Pamela Beasley-Pittman _____

Ben Sorensen _____



CONTROL POINT ASSOCIATES, FL, LLC LB #8137

TRADITIONAL METHODS | MODERN APPROACHES
1700 N.W. 64th STREET #400, FORT LAUDERDALE, FLORIDA 33309
PHONE: (954) 763-7611 * EMAIL: DDONAHOE@CPASURVEY.COM

M.S.O.K.

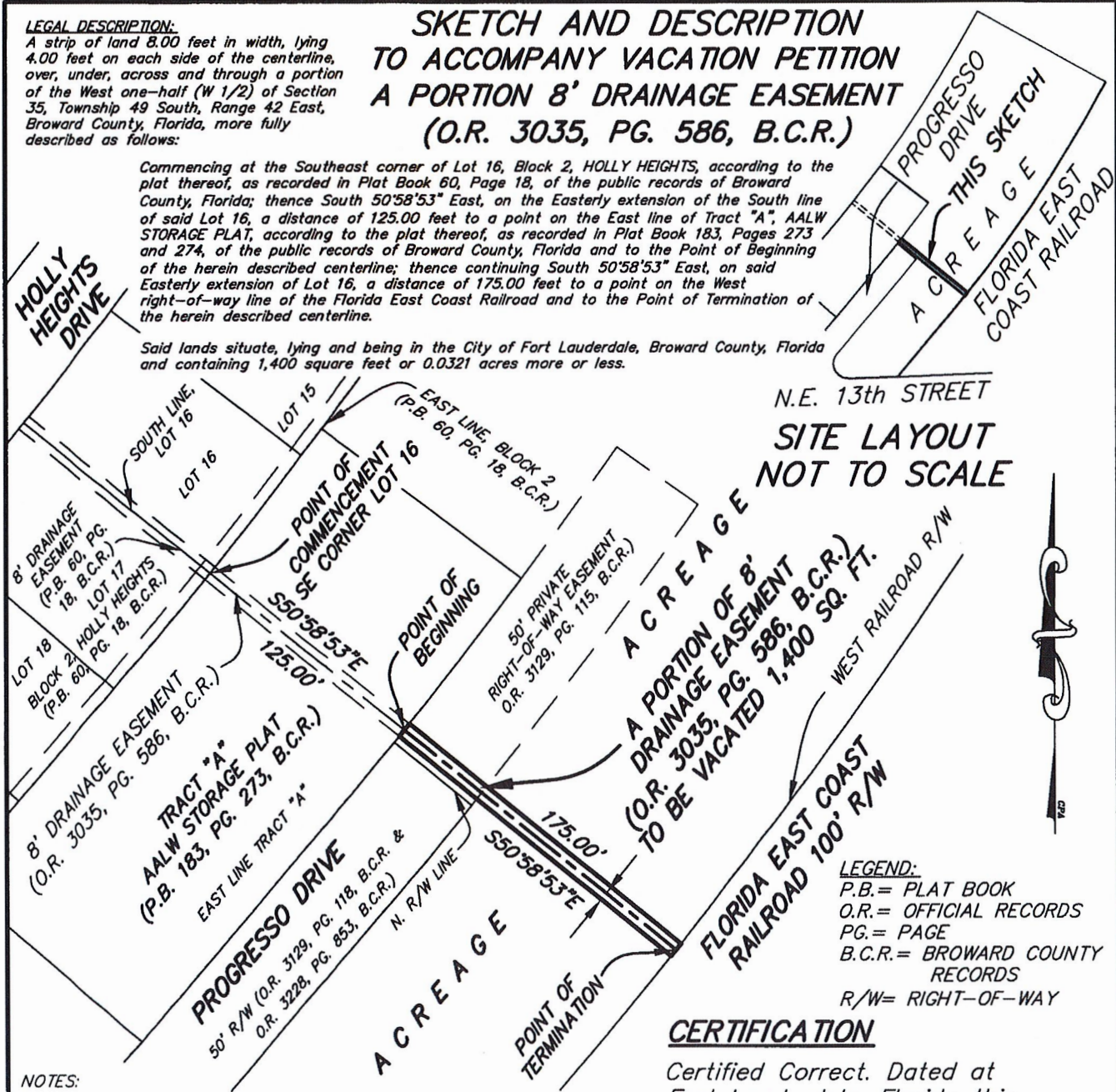
LEGAL DESCRIPTION:

A strip of land 8.00 feet in width, lying 4.00 feet on each side of the centerline, over, under, across and through a portion of the West one-half (W 1/2) of Section 35, Township 49 South, Range 42 East, Broward County, Florida, more fully described as follows:

SKETCH AND DESCRIPTION TO ACCOMPANY VACATION PETITION A PORTION 8' DRAINAGE EASEMENT (O.R. 3035, PG. 586, B.C.R.)

Commencing at the Southeast corner of Lot 16, Block 2, HOLLY HEIGHTS, according to the plat thereof, as recorded in Plat Book 60, Page 18, of the public records of Broward County, Florida; thence South 50°58'53" East, on the Easterly extension of the South line of said Lot 16, a distance of 125.00 feet to a point on the East line of Tract "A", AALW STORAGE PLAT, according to the plat thereof, as recorded in Plat Book 183, Pages 273 and 274, of the public records of Broward County, Florida and to the Point of Beginning of the herein described centerline; thence continuing South 50°58'53" East, on said Easterly extension of Lot 16, a distance of 175.00 feet to a point on the West right-of-way line of the Florida East Coast Railroad and to the Point of Termination of the herein described centerline.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 1,400 square feet or 0.0321 acres more or less.



N.E. 13th STREET
SITE LAYOUT
NOT TO SCALE

LEGEND:
P.B.= PLAT BOOK
O.R.= OFFICIAL RECORDS
PG.= PAGE
B.C.R.= BROWARD COUNTY RECORDS
R/W= RIGHT-OF-WAY

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, A Division of Control Point Associates, FL, LLC.
- 2) Legal description prepared by McLaughlin Engineering Co., A Division of Control Point Associates, FL, LLC.
- 3) This drawing is not valid unless sealed with an appropriate surveyors seal.
- 4) THIS IS NOT A BOUNDARY SURVEY.
- 5) Bearings shown assume the Easterly extension of the South line of Lot 2, as South 50°58'53" East.

CERTIFICATION

Certified Correct. Dated at Fort Lauderdale, Florida this 17th day of April, 2024.

CONTROL POINT ASSOCIATES FL, LLC.

J.M. McLaughlin Jr.
JAMES M. McLAUGHLIN JR.
Registered Land Surveyor No. LS4497
State of Florida.



Digitally signed by James M. McLaughlin Jr.
Date: 2024.04.29 07:56:50 -04'00'

FIELD BOOK NO. _____

DRAWN BY: JMMjr _____

JOB ORDER NO. 15-230242-00 _____

CHECKED BY: _____

REF. DWG.: 94-3-061

C: \JMMjr\15-230242-00 (DE VACATION 1001 PLAT)

CAM # 24-1044

Exhibit "A"

Exhibit 6

Page 5 of 6



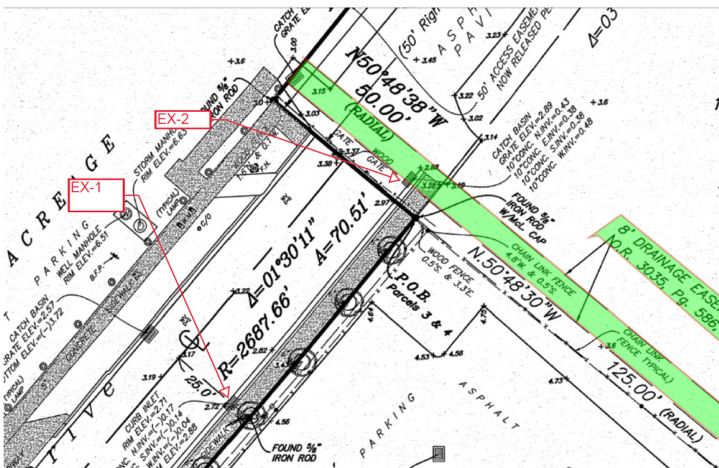
July 5, 2024

Subject: **No Objection Letter for case number UDP-EV24001. -VACATION OF DRAINAGE EASEMENT LOCATED AT 1400 PROGRESSO DRIVE, FORT LAUDERDALE, FL 33304.**

Regarding Case UDP-EV24001,

The City of Fort Lauderdale's Public Works Department has reviewed the request for vacating the Drainage Easement located at 1400 Progresso Drive per the survey produced by Control Point Associates FL, LLC. The City has no objection to this request provided the following condition is met:

- 1.) The pipe from EX-1 to EX-2 is to be removed and the Northeast invert in EX-1 is to be plugged.



Should you have any questions or require any additional information, please contact me at (954) 828-6982.

Sincerely,

Roberto Betancourt, P.E.
Program Manager – Utility Modeling & Capacity Administration

PUBLIC WORKS DEPARTMENT
100 N. ANDREWS AVE, FORT LAUDERDALE, FLORIDA 33301
TELEPHONE (954) 828-5772, FAX (954) 828-5074

WWW.FORTLAUDERDALE.GOV

