

ORDINANCE NO. C-14-46

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF NORTHWEST 2<sup>ND</sup> AVENUE (PLATTED MOFFATT AVENUE), "TOWN OF FORT LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK B, PAGE 40, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, FLORIDA, LOCATED NORTH OF BROWARD BOULEVARD, WEST OF THE F.E.C. RAILROAD RIGHT-OF-WAY, EAST OF NORTHWEST 3<sup>RD</sup> AVENUE AND SOUTH OF NORTHWEST 2<sup>ND</sup> STREET.

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WHEREAS, the applicant, All Aboard Florida – Operations LLC, applied for the vacation of certain right-of-way as described in Section 1 herein associated with the development known as All Aboard Florida Passenger Rail Station; and

WHEREAS, the Planning and Zoning Board, at its meeting of October 15, 2014 (PZ Case No. V14006), did recommend to the City Commission of the City of Fort Lauderdale ("City Commission") the vacation of the below-described portion of a street subject to conditions; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, November 18, 2014 and Tuesday, December 2, 2014 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 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 portion of right-of-way is hereby vacated, abandoned, and closed and shall no longer constitute a public right-of-way:

See Exhibit attached hereto  
and made a part hereof

Location: North of Broward Boulevard, west of the F.E.C. right-of-way, east of N.W. 3<sup>rd</sup> Avenue and south of N.W. 2<sup>nd</sup> Street.

SECTION 2. That the vacation of the right-of-way is subject to the following conditions precedent:

1. Applicant shall relocate an existing 8" water main with a new 8" DIP water main located with a minimum of 6' horizontal separation from the edge of the pedestrian bridge support column footers.
2. Applicant shall replace an existing 10" clay sewer main with a new 10" PVC pipe in the same location from existing manhole to manhole.
3. Applicant shall construct an extension of NW 2<sup>nd</sup> Avenue from NW 2<sup>nd</sup> Street to NW 4<sup>th</sup> Street, minimum of 50 foot width, which right-of-way shall be dedicated to the City.

SECTION 3. The Applicant has stipulated and the City Commission conditions its approval that in the event the portion of the right-of-way vacated by this ordinance is abandoned by All Aboard Florida, its successors and assigns within 75 years of enactment of this ordinance at second reading the Applicant, successors or assigns shall dedicate said vacated property to the City.

SECTION 4. 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 5. 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 6. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 7. 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 8. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 9. That this 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 evidencing that all conditions precedent for the vacation have been met.

PASSED FIRST READING this the 18th day of November, 2014.

PASSED SECOND READING this the \_\_\_\_ day of \_\_\_\_\_, 2014.

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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

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City Clerk  
JONDA K. JOSEPH



Wantman Group, Inc.

Engineering ♦ Planning ♦ Surveying ♦ Environmental  
2035 VISTA PARKWAY, SUITE 100, WEST PALM BEACH, FL 33411  
(866) 908-2220 phone (561) 687-1110 fax  
CERTIFICATE OF AUTHORIZATION No. LB 7055  
ORLANDO - PORT ST. LUCIE - TAMPA  
www.wantmangroup.com

M.D.  
O.K.

RIGHT OF WAY VACATION

**DESCRIPTION & SKETCH**

PREPARED FOR:

**SECOND STREET BROWARD PROPERTIES, LLC**

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING ON A PORTION OF NW 2ND AVENUE (PLATTED MOFFATT AVENUE), A 40.00 FOOT WIDE PUBLIC RIGHT-OF-WAY, AS SHOWN ON THE PLAT OF TOWN OF FORT LAUDERDALE, AS RECORDED IN PLAT BOOK B, AT PAGE 40, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 19, BLOCK 11, AS SHOWN ON SAID PLAT; THENCE NORTH 88°00'15" EAST, FOR 40.00 FEET TO THE EAST RIGHT-OF-WAY LINE FOR SAID NW 2ND AVENUE (PLATTED MOFFATT AVENUE); THENCE NORTH 02°08'12" WEST ALONG SAID EAST LINE, FOR 102.69 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87°51'48" WEST, FOR 13.00 FEET; THENCE NORTH 02°08'12" WEST, FOR 53.67 FEET; THENCE NORTH 87°51'48" EAST, FOR 13.00 FEET TO SAID EAST RIGHT-OF-WAY LINE FOR NW 2ND AVENUE (PLATTED MOFFATT AVENUE); THENCE SOUTH 02°08'12" EAST ALONG SAID EAST LINE, FOR 53.67 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND SITUATE IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

SAID LANDS CONTAIN 698 SQUARE FEET, MORE OR LESS.

(NOT A SURVEY-DESCRIPTION AND SKETCH ONLY)

SURVEYOR'S NOTES:

1. DATA SHOWN HEREON WAS COMPILED FROM OTHER INSTRUMENTS AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.

3. SUBJECT TO EXISTING EASEMENTS, RIGHTS-OF-WAY, COVENANTS, RESERVATIONS AND RESTRICTIONS OF RECORD, IF ANY.

2. BEARINGS SHOWN HEREON ARE BASED ON GRID NORTH, AND ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983, 2007 ADJUSTMENT. BEARINGS ARE BASED ON THE EAST LINE BLOCK 11, TOWN OF FORT LAUDERDALE, PLAT BOOK B, PAGE 40, DADE COUNTY RECORDS; SAID EAST LINE BEARS N 02°08'12" W AND ALL OTHER BEARINGS RECITED HEREON ARE RELATIVE THERETO.

Exhibit

For The Firm  
Wantman Group, Inc.

BY:

DATE: 9/30/14

DATE:	REVISION:	BY:	BY:	DATE:		
09/26/14	REVISED PER COUNTY COMMENTS	MRG	ERIC MATTHEWS, PROFESSIONAL SURVEYOR AND MAPPER FLORIDA LICENSE NO. 6717			
09/30/14	REVISED PER COUNTY COMMENTS	MRG	OFFICE	MRG	DATE 09/17/14	JOB 31311389.02
			CHECKED	ERM	SHEET 1 OF 2	DWG 138902_Par D

RE:\31311389.02 All Aboard Florida - Ft Lauderdale Station\dwg\Layouts\138902\_Par D.dwg Sh: 1 Sep 30, 2014



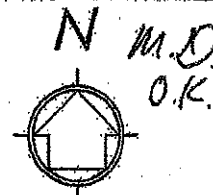
**WGI**

**Wantman Group, Inc.**

Engineering ♦ Planning ♦ Surveying ♦ Environmental  
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CERTIFICATE OF AUTHORIZATION No. LB 7055  
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**LEGEND:**

- C/L = Center line
- DCR = Dade County Records
- PB = Plat Book
- PG = Page
- R/W = Right-of-Way

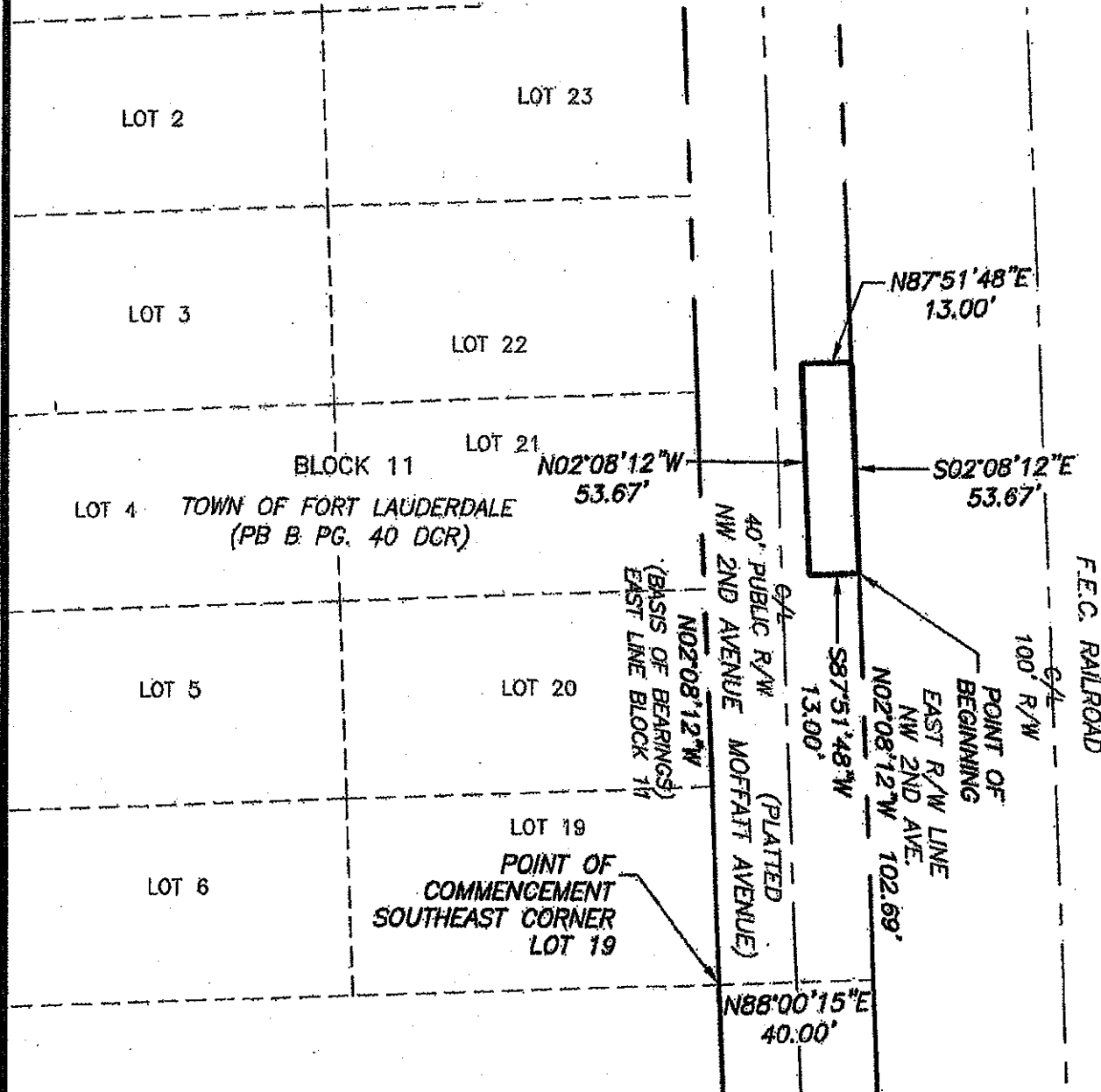


SCALE: 1" = 40'  
(Intended Display Scale)

**DESCRIPTION & SKETCH**

PREPARED FOR:

**SECOND STREET BROWARD PROPERTIES, LLC**



DATE: REVISION: BY:

09/26/14	REVISED PER COUNTY COMMENTS	MRG
09/30/14	REVISED PER COUNTY COMMENTS	MRG

(NOT A SURVEY--DESCRIPTION AND SKETCH ONLY)

OFFICE	MRG	DATE	09/17/14	JOB	31311389.02
CHECKED	ERM	SHEET	2 OF 2	DWG	138902_Par D

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