

ORDINANCE NO. C-14-45

AN ORDINANCE VACATING, ABANDONING AND CLOSING THE AERIAL PORTION OF A PORTION OF NORTHWEST 2ND AVENUE (PLATTED MOFFATT AVENUE) RIGHT-OF-WAY, "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 3RD AVENUE AND SOUTH OF NORTHWEST 2ND STREET.

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. V14005), did recommend to the City Commission of the City of Fort Lauderdale ("City Commission") the vacation of the below-described right-of-way 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 a 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. Railroad
right-of-way, east of N.W. 3rd Avenue and south of
N.W. 2nd Street.

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

1. The finished street grade shall be constructed no higher than 24.99 feet below the lowest elevation limit of the portion of the vacated right-of-way described on sheet 1 of 3 of the attached Exhibit and no higher than 17 feet below the lowest elevation limit of the right-of-way described on sheet 2 of 3 of the attached Exhibit with an appendage to accommodate support columns, at lowest level being 17 feet above finished street grade.

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.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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Wantman Group, Inc.

Engineering ♦ Planning ♦ Surveying ♦ Environmental
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(866) 909-2220 phone (561) 687-1110 fax
CERTIFICATE OF AUTHORIZATION No. LB 7055
ORLANDO - PORT ST. LUCIE - TAMPA
www.wantmangroup.com

M.D.
O.K.

AERIAL VACATION

DESCRIPTION & SKETCH

PREPARED FOR:

SECOND STREET BROWARD PROPERTIES, LLC

LEGAL DESCRIPTION:

AN AERIAL VACATION BEING 30 FEET IN HEIGHT, HAVING A LOWER ELEVATION LIMIT OF 29.44 FEET, AND AN UPPER ELEVATION LIMIT OF 59.44 FEET OF THE NORTH AMERICAN VERTICAL DATUM OF 1988; SAID VACATION LYING OVER 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:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 19, BLOCK 11, AS SHOWN ON SAID PLAT; THENCE NORTH 02°08'12" WEST ALONG THE EAST LINE OF SAID BLOCK 11, FOR 200.00 FEET TO THE NORTHEAST CORNER OF LOT 22 AND TO A POINT HEREINAFTER KNOWN AS POINT A; THENCE NORTH 88°05'41" EAST, FOR 40.00 FEET TO THE EAST RIGHT-OF-WAY LINE FOR SAID NW 2ND AVENUE (PLATTED MOFFATT AVENUE); THENCE SOUTH 02°08'12" EAST ALONG SAID EAST LINE, FOR 43.58 FEET; THENCE SOUTH 87°51'48" WEST, FOR 13.00 FEET; THENCE SOUTH 02°08'12" EAST, FOR 53.67 FEET; THENCE NORTH 87°51'48" EAST, FOR 13.00 FEET TO SAID EAST RIGHT-OF-WAY LINE FOR SAID NW 2ND AVENUE; THENCE SOUTH 02°08'12" EAST ALONG SAID EAST LINE, FOR 102.69 FEET; THENCE SOUTH 88°00'15" WEST, FOR 40.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAIN 7,301 SQUARE FEET, MORE OR LESS.

(CONTINUED ON SHEET 2)

(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.

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.

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

For The Firm
Wantman Group, Inc.

Exhibit

Eric Matthews
ERIC MATTHEWS,
PROFESSIONAL SURVEYOR AND MAPPER FLORIDA LICENSE NO. 6717

DATE: 9/30/14

DATE:	REVISION:	BY:	BY:	DATE:
09/23/14	REVISED PER CLIENTS CHANGES	MRG		
09/26/14	REVISED PER COUNTY COMMENTS	MRG	OFFICE	MRG DATE 05/09/14 JOB 31311389.02
09/30/14	REVISED PER COUNTY COMMENTS	MRG	CHECKED	ERM SHEET 1 OF 3 DWG.138902_Aerial Ease

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WGI

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 (888) 908-2220 phone (561) 687-1110 fax
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 ORLANDO - PORT ST. LUCIE - TAMPA
 www.wantmangroup.com

M-10
 O.K.

DESCRIPTION & SKETCH

PREPARED FOR:

SECOND STREET BROWARD PROPERTIES, LLC

(CONTINUED FROM SHEET 1)

TOGETHER WITH:

AN AERIAL VACATION BEING 8.00 FEET IN HEIGHT, HAVING A LOWER ELEVATION LIMIT OF 21.44 FEET, AND AN UPPER ELEVATION LIMIT OF 29.44 FEET OF THE NORTH AMERICAN VERTICAL DATUM OF 1988; SAID VACATION LYING OVER 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 SAID POINT A; THENCE NORTH 88°05'41" EAST, FOR 24.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 88°05'41" EAST, FOR 2.50 FEET; THENCE SOUTH 02°08'12" EAST, FOR 199.95 FEET; THENCE SOUTH 88°00'15" WEST, FOR 2.50 FEET; THENCE NORTH 02°08'12" WEST, FOR 199.96 FEET TO THE POINT OF BEGINNING.

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

SAID LANDS CONTAIN 500 SQUARE FEET, MORE OR LESS.

DATE: REVISION: BY:

09/23/14	REVISED PER CLIENTS CHANGES	MRG
09/28/14	REVISED PER COUNTY COMMENTS	MRG
09/30/14	REVISED PER COUNTY COMMENTS	MRG

(NOT A SURVEY--DESCRIPTION AND SKETCH ONLY)

OFFICE	MRG	DATE	05/09/14	JOB	31311389.02
CHECKED	ERM	SHEET	2 OF 3	DWG	138902_Aerial Easem

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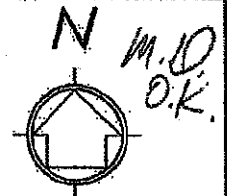
WGI

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LEGEND:

- C/L = Center Line
- DCR = Dade County Records
- PB = Plat Book
- PG. = Page
- R/W = Right-of-Way
- NAVD 88 = North American Datum 1988
- POB = Point of Beginning
- POC = Point of Commencement

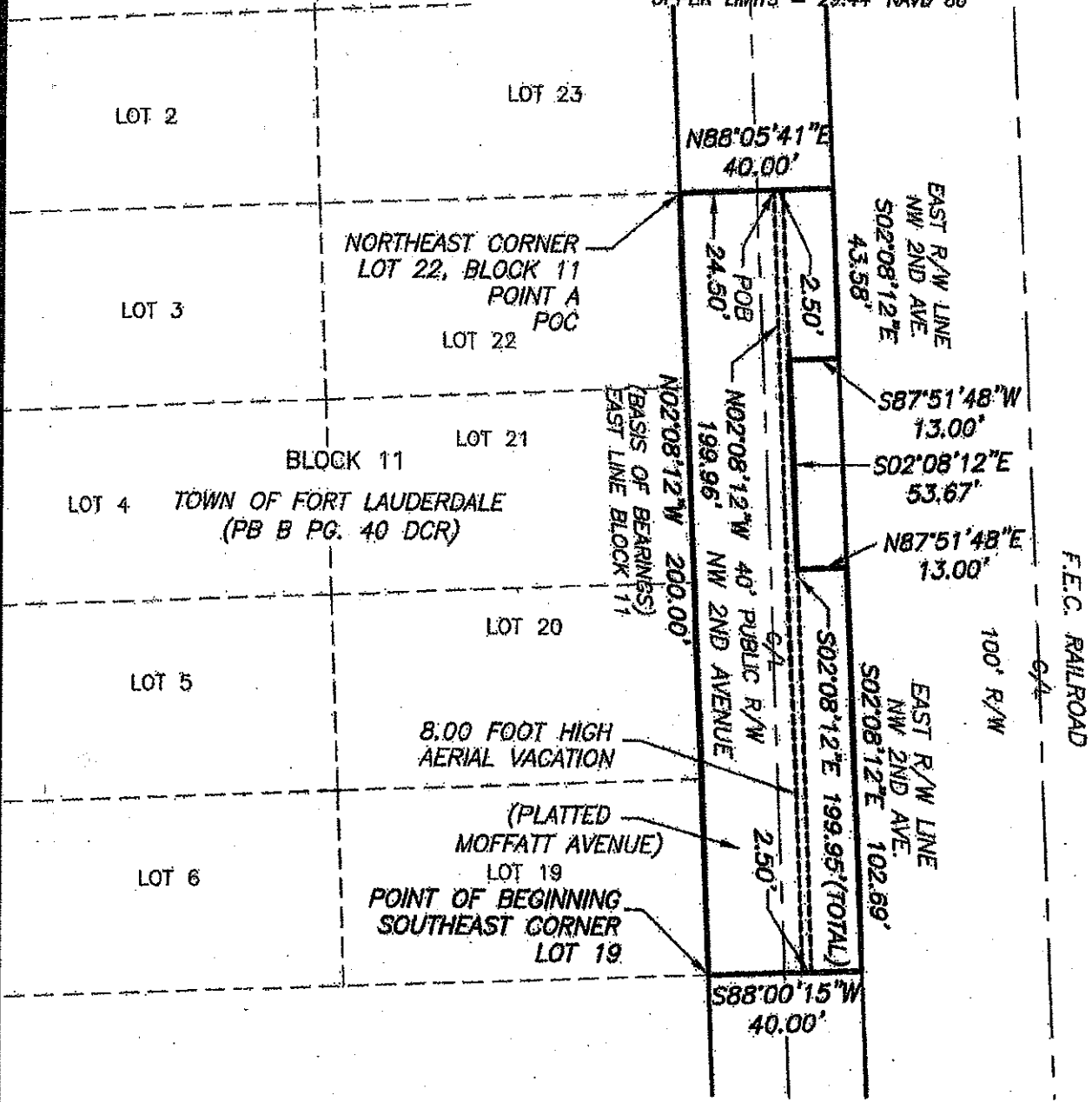


SCALE: 1" = 40'
 (Intended Display Scale)

DESCRIPTION & SKETCH

PREPARED FOR:
SECOND STREET BROWARD PROPERTIES, LLC

NOTE: 30 FOOT HIGH AERIAL EASEMENT
 LOWER LIMITS = 29.44' NAVD 88
 UPPER LIMITS = 59.44' NAVD 88
 8.00 FOOT HIGH AERIAL EASEMENT
 LOWER LIMITS = 21.44' NAVD 88
 UPPER LIMITS = 29.44' NAVD 88



DATE:	REVISION:	BY:
09/23/14	REVISED PER CLIENTS CHANGES	MRG
09/28/14	REVISED PER COUNTY COMMENTS	MRG
09/30/14	REVISED PER COUNTY COMMENTS	MRG

(NOT A SURVEY--DESCRIPTION AND SKETCH ONLY)

OFFICE:	MRG	DATE	JOB
CHECKED	ERM	05/09/14	31311389.02
SHEET 3 OF 3		DWG 138902_Aerial Ease	

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