

ORDINANCE NO. C-14-32

AN ORDINANCE VACATING, ABANDONING AND CLOSING ALL THAT PORTION OF NORTHEAST 54<sup>TH</sup> COURT RIGHT OF WAY (PLATTED AS NORTHEAST 53<sup>RD</sup> STREET) BEING BOUNDED ON THE EAST BY THE WEST RIGHT OF WAY LINE OF NORTHEAST 26<sup>TH</sup> AVENUE AND BOUNDED ON THE WEST BY THE WEST LINE OF SAID PLAT, AS SHOWN ON "GOLF ESTATES" ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 43, PAGE 26 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED SOUTH OF NORTHEAST 55<sup>TH</sup> STREET, NORTH OF NORTHEAST 51<sup>ST</sup> STREET, WEST OF NORTHEAST 26<sup>TH</sup> AVENUE AND EAST OF NORTH FEDERAL HIGHWAY, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

---

WHEREAS, the applicant, Thomas Luken, applied for the vacation of certain right-of-way as described in Section 1; and

WHEREAS, the Planning and Zoning Board, at its meeting of June 18, 2014 (PZ Case No. V14002), 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, August 19, 2014 and Wednesday, September 3, 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:

CODING: Words, symbols, and letters double underlined are additions added after first reading; words, symbols and letters ~~double stricken~~ are deletions from the version presented at first reading.

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, subject to the conditions provided in SECTION 2 of this Ordinance:

ALL THAT PORTION OF NORTHEAST 54<sup>TH</sup> COURT RIGHT OF WAY (PLATTED AS NORTHEAST 53<sup>RD</sup> STREET) BEING BOUNDED ON THE EAST BY THE WEST RIGHT OF WAY LINE OF NORTHEAST 26<sup>TH</sup> AVENUE AND BOUNDED ON THE WEST BY THE WEST LINE OF SAID PLAT, AS SHOWN ON "GOLF ESTATES" ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 43, PAGE 26 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Location: South of N.E. 55<sup>th</sup> Street, north of N.E. 51<sup>st</sup> Street, west of N.E. 26<sup>th</sup> Avenue and east of North Federal Highway.

SECTION 2. That the vacation of the right-of-way shall not be effective until the applicant demonstrates compliance with the following conditions:

1. ~~A City utility easement shall be retained over a portion of the right of way area in order to accommodate access for maintenance purposes~~ The abutting property owners shall convey to the City a utility easement over portions of the right-of-way to be vacated, subject to the approval of the City Attorney; and
2. 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 to the City.

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.

CODING: Words, symbols, and letters double underlined are additions added after first reading; words, symbols and letters ~~double strikethrough~~ are deletions from the version presented at first reading.

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, be and the same are hereby repealed.

SECTION 6. That this Ordinance shall be in full force and effect ten days from the date of final passage.

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.

PASSED FIRST READING this the 19th day of August, 2014.

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

\_\_\_\_\_  
Mayor  
JOHN P. "JACK" SEILER

ATTEST:

\_\_\_\_\_  
City Clerk  
JONDA K. JOSEPH

L:\COMM 2014\Ordinances\August 19\dms - Vacate Street Case V14002.docx

CODING: Words, symbols, and letters double underlined are additions added after first reading; words, symbols and letters ~~double struck~~ are deletions from the version presented at first reading.