

ORDINANCE NO. C-19-41

AN ORDINANCE VACATING A PORTION OF NORTHEAST 5<sup>TH</sup> TERRACE (18<sup>TH</sup> STREET) RIGHT OF WAY ADJACENT TO LOTS 1 THROUGH 12, BLOCK 314 AND LOTS 37 THROUGH 48, BLOCK 313, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED NORTH OF NORTHEAST 6<sup>TH</sup> STREET, SOUTH OF NORTHEAST 7<sup>TH</sup> STREET, EAST OF NORTHEAST 5<sup>TH</sup> AVENUE AND WEST OF NORTH FEDERAL HIGHWAY (US1), ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, FLAGLER SIXTH, LLC, 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 September 18, 2019 (PZ Case No. V19005), 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" which is attached hereto and incorporated herein; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, December 17, 2019, and Tuesday, January 7, 2020, 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 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 in Section 47-24.6.A.4 of the City of Fort Lauderdale Unified Land Development Regulations;

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions added after first reading.

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 meeting of January 7, 2020, a portion of those findings expressly listed as follows:

- a. The applicant will provide a new access drive, which will be located approximately nine feet west of the current right-of-way location to allow for vehicular access and utility easements.
- b. It is not anticipated that the vacation of right-of-way will cause adverse impacts to the circulation of the surrounding areas. A new mid-block crossing will be provided to allow east/west vehicular and pedestrian access through the site. The applicant will provide a 22-foot wide access and utility easement for public access.
- c. The right-of-way vacation will not impose any adverse effects to the current flow of traffic in the area. The current flow of traffic will be shifted to the west by 9 feet and will allow for ingress/egress to NE 6<sup>th</sup> Street and NE 7<sup>th</sup> Street.
- d. Pedestrian traffic will not be impacted by the right-of-way vacation. The proposed project will provide significant pedestrian improvements along the perimeter of the development project.
- e. ~~There are no utilities in the portion of the right-of-way to be vacated~~Any utilities located within the right-of-way shall be relocated at the owner's expense and a utilities easement retained over the right-of-way area or portion thereof. The applicant has obtained letters of no objection from affiliated franchise utilities and the City's Public Works Department.

SECTION 2. That the public right-of-way located north of Northeast 6<sup>th</sup> Street, south of Northeast 7<sup>th</sup> Street, east of Northeast 5<sup>th</sup> Avenue and west of North Federal Highway (U.S. 1), 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.

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.

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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.

PASSED FIRST READING this the 17<sup>th</sup> day of December, 2019.

PASSED SECOND READING this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor  
DEAN J. TRANTALIS

ATTEST:

\_\_\_\_\_  
City Clerk  
JEFFREY A. MODARELLI

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# SKETCH AND DESCRIPTION

M.P.O.K

**DESCRIPTION:**

THAT PORTION OF NORTHEAST 5TH TERRACE, ALSO KNOWN AS 18TH STREET, LYING 300.00 FEET SOUTH OF NORTHEAST 7TH STREET, ALSO KNOWN AS AVENUE B, AND ADJACENT TO LOTS 1 THROUGH 12, BLOCK 314 AND LOTS 37 THROUGH 48, BLOCK 313, PROGRESSO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

SAID LANDS SITUATE LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA. CONTAINING 12,000 SQUARE FEET MORE OR LESS

**NOTES:**

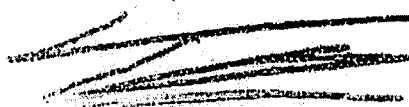
1. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF BLOCK 314 WITH AN ASSUMED BEARING OF N 00°00'15" E.
2. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD, RECORDED AND VISIBLE AFFECTING THE HEREON DESCRIBED PROPERTY ARE SHOWN PER THE COMMITMENT FOR TITLE INSURANCE, ORDER NO. 6876849-SUN, EFFECTIVE DATE NOVEMBER 2, 2018 AT 8:00 AM. (REVISED NOVEMBER 12, 2018) AND PREPARED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY FOR MICHAEL A. SCHROEDER, P.L., THE PLAT OF PROGRESSO, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
4. THIS SKETCH AND DESCRIPTION CONSISTS OF TWO (2) SHEETS AND IS NOT COMPLETE WITHOUT BOTH SHEETS.

THIS IS NOT A SKETCH OF SURVEY

SHEET 1 OF 2

REVISIONS	DATE	BY	CKD

PORTION OF  
N.E. 5TH TERRACE  
(TO BE VACATED)



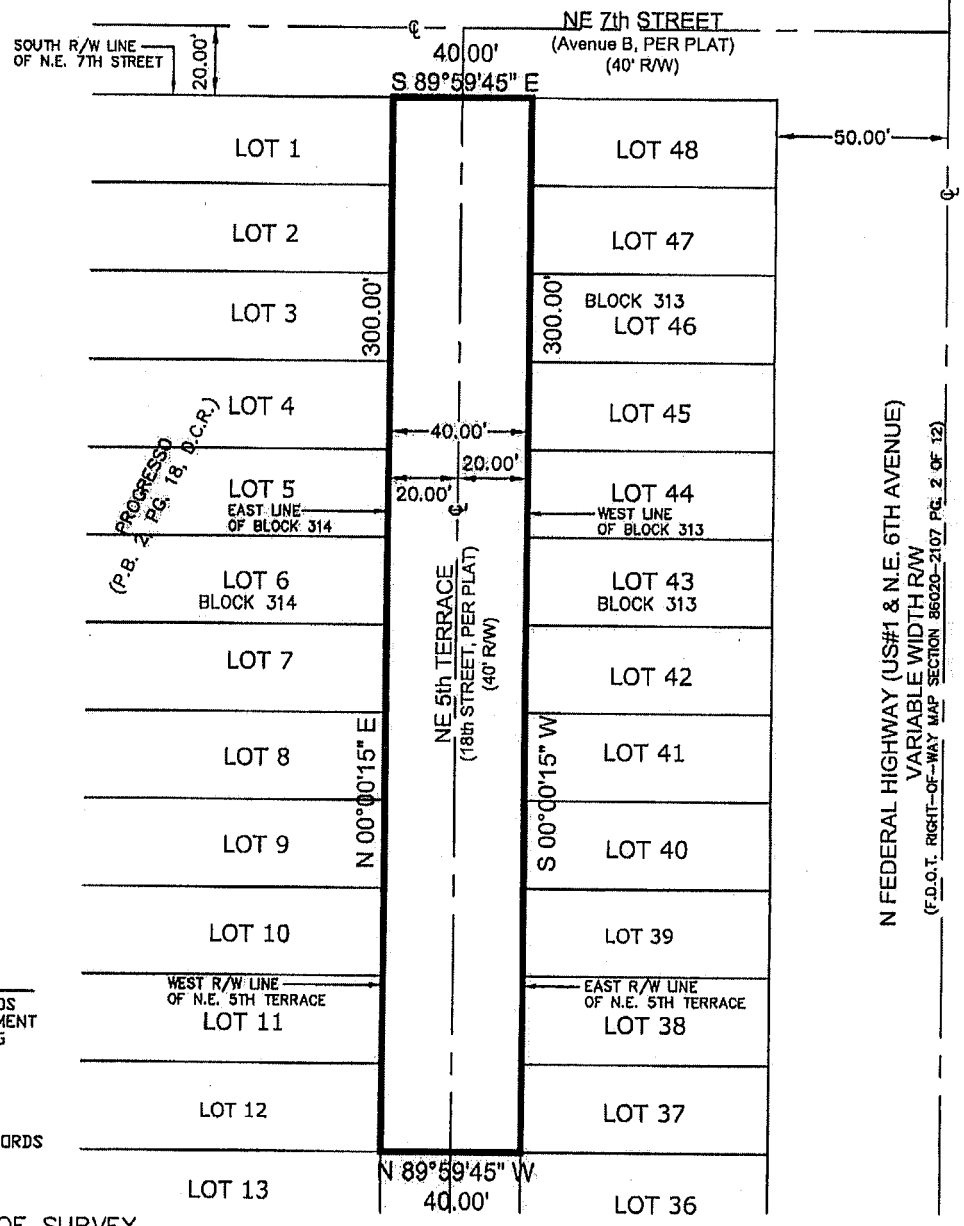
THEODORE J. DAVID FOR THE FIRM  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA REGISTRATION NO. 5821  
DAVID & GERCHAR, INC. LB#6935

SCALE:	N/A	JOB NO:	18-014 SE 5TH
FB/PG:	N/A	CAD FILE:	F:\dwgs\ 18-jobs\18-014\ Sketch and Descriptions
DRAWN BY:	RM	DATE:	3/15/19
CKD. BY:	TD	PROJ. FILE:	18-014

**DAVID &  
GERCHAR,**  
SURVEYORS AND MAPPERS  
12750 N.W. 40th Street, Bay 1  
Coral Springs, Florida 33065  
(954) 340-4025 • email: tcd@davidandgerchar.com

# SKETCH AND DESCRIPTION

M.D.O.K.



- LEGEND:**
- D. C. R. DADE COUNTY RECORDS
  - P. O. C. POINT OF COMMENCEMENT
  - P. O. B. POINT OF BEGINNING
  - P. B. PLAT BOOK
  - PG. PAGE
  - Ⓢ CENTERLINE
  - R/W RIGHT-OF-WAY
  - B. C. R. BROWARD COUNTY RECORDS

THIS IS NOT A SKETCH OF SURVEY

SHEET 2 OF 2

REVISIONS	DATE	BY	CKD

<p><b>PORTION OF N.E. 5TH TERRACE (TO BE VACATED)</b></p>	SCALE: 1" = 50'	JOB NO: 18-014 SE 5TH	<p><b>DAVID &amp; GERCHAR, INC.</b> SURVEYORS AND MAPPERS 12750 N.W. 40th Street, Bay 1 Coral Springs, Florida 33065 (954) 340-4025 • email: ted@davidandgerchar.com</p>
	FB/PG: N/A	CAD. FILE: F:\dwgs\18-jobs\18-014\Sketch and Descriptions	
	DRAWN BY: RM	DATE: 3/16/19	
	CKD. BY: TD	PROJ. FILE: 18-014	

**EXHIBIT "B"**

**CONDITIONS OF APPROVAL  
CASE NO. V19005**

1. The existing water main shall be relocated at the owner's expense and a 22-foot utility easement shall be dedicated over the new relocated 8-inch water main and existing 10-inch gravity sewer which is to remain.
- ~~4~~2. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, or easements granted, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department; and
- ~~2~~3. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, or easements granted, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider; and
- ~~3~~4. The vacating ordinance shall be in full force and effect on the date a certificate, executed by the City Engineer, and recorded in the public records of Broward County, Florida. The certificate shall state that all conditions of the vacation listed in the ordinance have been met. A copy of the recorded certificate must be provided to the City.