

RESOLUTION NO. 24-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING ALL OF THAT 20.00 FOOT DRAINAGE EASEMENT, RECORDED IN OFFICIAL INSTRUMENT NUMBER 113882967 AND BEING A PORTION OF LOTS 6 AND 7, BLOCK 1, "GALT OCEAN MILE" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 34, PAGE 16, ALL OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED EAST OF THE INTRACOASTAL WATERWAY, NORTH OF EAST OAKLAND PARK BOULEVARD, WEST OF NORTHEAST 32<sup>ND</sup> AVENUE AND SOUTH OF NORTHEAST 33<sup>RD</sup> STREET, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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WHEREAS, under the provisions of Section 47-24.7 of the City of Fort Lauderdale, Florida Unified Land Development Regulations (hereinafter "ULDR"), Integra Real Estate, LLC, is applying for the vacation of a 20-foot wide by 136-foot long drainage easement (Case No. UDP-EV23002) more fully described in SECTION 2 below, located east of the Intracoastal Waterway, north of East Oakland Park Boulevard, west of Northeast 32<sup>nd</sup> Avenue and south of Northeast 33<sup>rd</sup> 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 July 2, 2024, a portion of those findings expressly listed as follows:

1. Letters of no objection from the utility companies are included in this submission, stating that they have no objection to the vacation of the easement on owner's property. According to the letters of no objection, there are no active utilities located within the drainage easement. Therefore, this easement is no longer needed for public purposes.
2. Applicant has provided letters of no objection from TECO, AT&T, FPL, Comcast, and the City's Public Works Department. As a condition of approval from the City's Public Works Department, a new 20-foot exclusive drainage easement shall be granted along the northern property line. Additionally, there is a portion of the building that will overhang the new drainage easement and there is a condition requiring the building maintain a minimum of 20 feet of vertical clearance as shown in the plans reviewed by Public Works.

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

ALL OF THAT 20.00 FOOT DRAINAGE EASEMENT, RECORDED IN OFFICIAL INSTRUMENT NUMBER 113882967 AND BEING A PORTION OF LOTS 6 AND 7, BLOCK 1, "GALT OCEAN MILE" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 34, PAGE 16, ALL OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

More particularly described in Exhibit "A" attached.

Location: East of the Intracoastal Waterway, north of East Oakland Park Boulevard, west of Northeast 32<sup>nd</sup> Avenue and south of Northeast 33<sup>rd</sup> Street

SECTION 3. That the vacation of the easement shall not be effective until the applicant demonstrates compliance with the following conditions:

1. At applicant cost, a new stormwater drainage system shall be designed, permitted, and constructed as accepted by the City Engineer.
2. Applicant shall grant a new twenty (20) foot exclusive drainage easement over the new stormwater system. No trees, fences, other utilities, or structures shall remain or be installed over the granted easement. The proposed building overhang that overlaps the proposed drainage easement shall have a minimum of 20 feet of vertical clearance.
3. Any City 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 City's Public Works Department.
4. 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.
5. The vacating 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, Florida. This 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 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:

\_\_\_\_\_  
City Attorney  
THOMAS J. ANSBRO

Dean J. Trantalis \_\_\_\_\_  
John C. Herbst \_\_\_\_\_  
Steven Glassman \_\_\_\_\_  
Pamela Beasley-Pittman \_\_\_\_\_  
Warren Sturman \_\_\_\_\_