

ORDINANCE NO. C-12-36

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF NORTHEAST 7TH AVENUE BETWEEN BLOCK 218 AND BLOCK 219, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED EAST OF NORTH FEDERAL HIGHWAY (US1;SR5), SOUTH OF EAST SUNRISE BOULEVARD, WEST OF NORTHEAST 10TH AVENUE AND NORTH OF NORTHEAST 9TH STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, Holman Automotive, Inc., applied for the vacation of certain right-of-way as described in Section 1 herein; and

WHEREAS, the Planning and Zoning Board, at its meeting of August 15, 2012 (PZ Case No. 8-P-11), 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, September 18, 2012 and Tuesday, October 2, 2012 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 street is hereby vacated, abandoned, and closed and shall no longer constitute a public right-of-way, subject to the conditions provided in Exhibit B.

See Exhibit A attached hereto and made a part hereof

Location: East of North Federal Highway, south of East Sunrise Boulevard,
west of N.E. 10th Avenue and north of N.E. 9th Street.

SECTION 2. 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 3. 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 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 5. 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 for the vacation have been met.

PASSED FIRST READING this the 18th day of September, 2012.

PASSED SECOND READING this the _____ day of _____, 2012.

Mayor
JOHN P. "JACK" SEILER

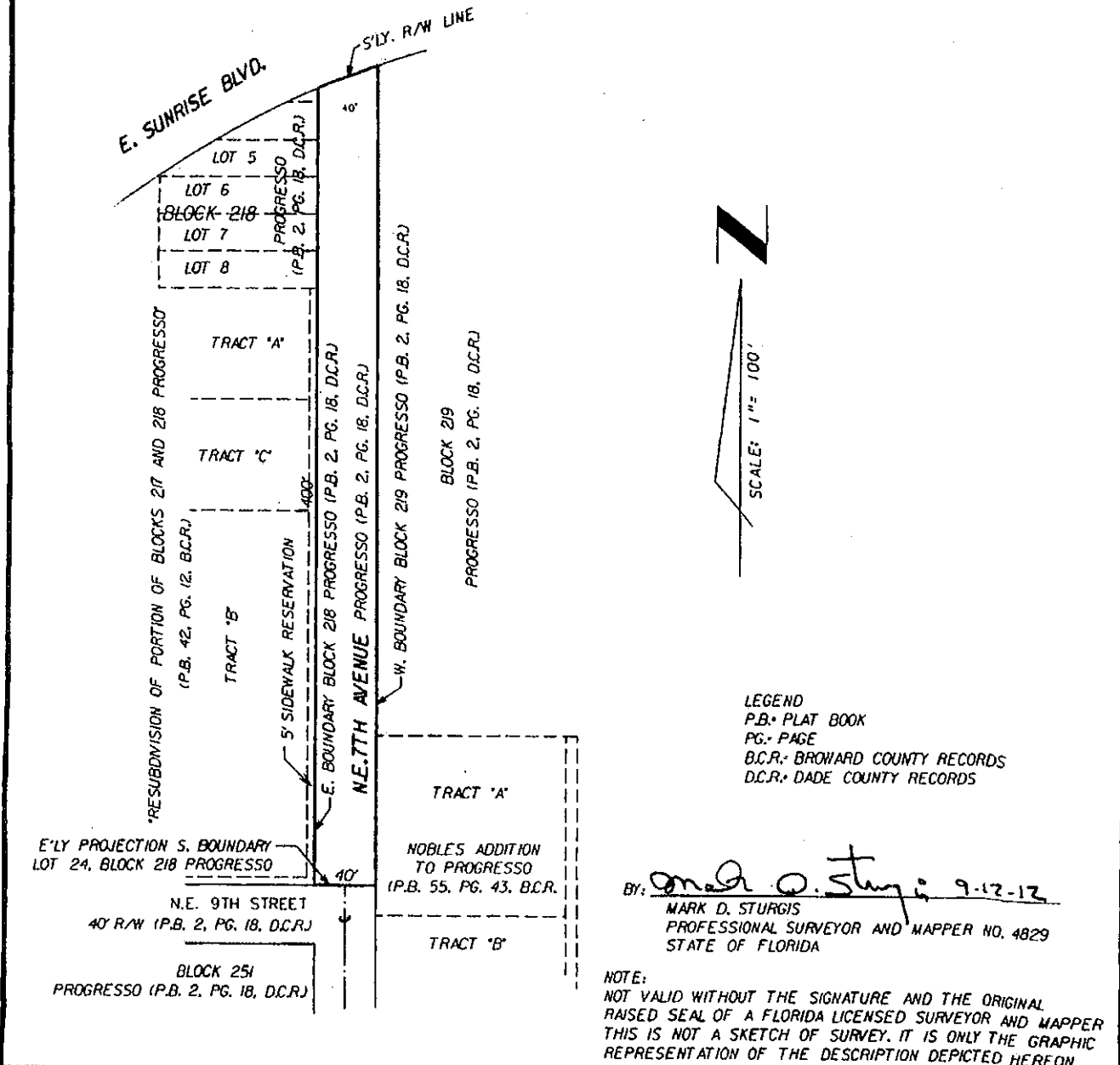
ATTEST:

City Clerk
JONDA K. JOSEPH

M. D. O.K.

DESCRIPTION

THAT PORTION N.E. 7TH AVENUE, ACCORDING TO THE PLAT OF PROGRESSO, AS RECORDED IN PLAT BOOK 2 AT PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BOUNDED ON THE SOUTH BY THE EASTERLY PROJECTION OF THE SOUTH BOUNDARY OF LOT 24 IN BLOCK 218 ACCORDING TO SAID PLAT, ON THE WEST BY THE EAST BOUNDARY OF SAID BLOCK 218, ACCORDING TO SAID PLAT, ON THE NORTH BY THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST SUNRISE BOULEVARD, AS NOW LOCATED AND CONSTRUCTED, AND ON THE EAST BY THE WEST BOUNDARY OF BLOCK 219, ACCORDING TO SAID PLAT.
SAID LANDS SITUATE IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA AND CONTAINING 21,688 SQUARE FEET (0.4979 ACRES) MORE OR LESS.



LEGEND
P.B. PLAT BOOK
PG. PAGE
B.C.R. BROWARD COUNTY RECORDS
D.C.R. DADE COUNTY RECORDS

BY: *Mark D. Sturgis* 9-12-12
MARK D. STURGIS
PROFESSIONAL SURVEYOR AND MAPPER NO. 4829
STATE OF FLORIDA

NOTE:
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS IS NOT A SKETCH OF SURVEY. IT IS ONLY THE GRAPHIC REPRESENTATION OF THE DESCRIPTION DEPICTED HEREON.

<p>PROGRESSO CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA</p>		<p>SKETCH AND DESCRIPTION VACATE PORTION OF N.E. 7TH AVENUE</p>	
<p>WINNINGHAM & FRADLEY, INC. ENGINEERS - PLANNERS - SURVEYORS 111 N.E. 44th STREET, OAKLAND PARK, FL 33334 954-771-2440 FAX 954-771-0288</p>		<p>DATE: 3-3-08</p>	<p>PROJECT NUMBER: W-07047</p>
<p>DATE: 9-12-12</p>		<p>SHEET: 1 OF 1</p>	<p>DATE:</p>

Exhibit B

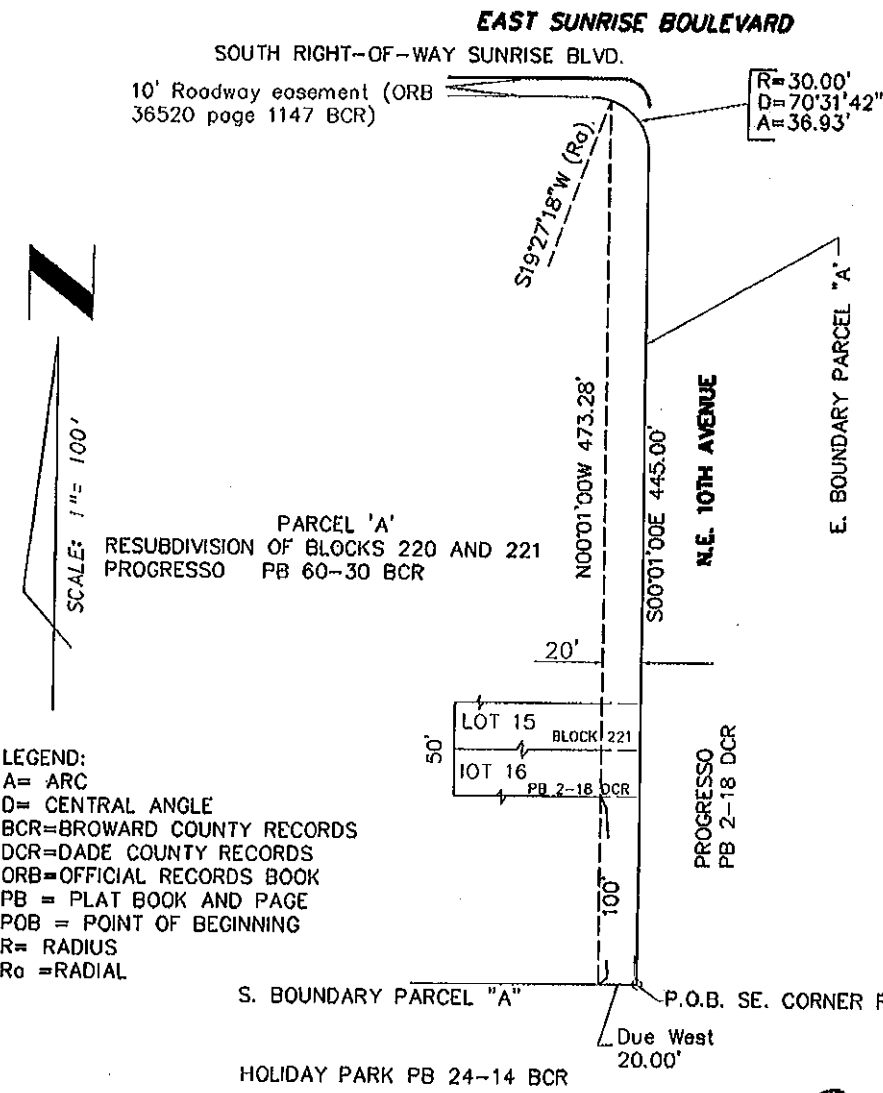
- ~~1. Prior to recordation and the proposed vacation taking effect, the applicant shall provide to the City a 14-foot cross access easement for the benefit of the public for pedestrians, bicyclists, and other non-motorized modes of transportation within said ROW and record the appropriate documents to memorialize same. Should the existing site layout be reconfigured or property redeveloped in the future and a proposal submitted to alter the currently approved site plan, a more appropriate placement of said easement may be determined and agreed upon to continue to provide mid-block access through the property from Sunrise Boulevard south, depending on site layout and design of a proposed redevelopment plan. As a last alternative the right angle connection from Sunrise Boulevard to 7th Avenue, as identified by the Planning and Zoning Board, could be established as part of the easement to complete the connection.~~
1. Prior to recordation and the proposed vacation taking effect, the applicant shall convey to the City a 20-foot cross access easement for the benefit of the public for pedestrians, bicyclists, and other non-motorized modes of transportation along the eastern edge of applicant's property adjacent to NE 10th Avenue, as depicted on the attached Sketch and Description, and record the appropriate documents to memorialize the same. Should the existing site layout be reconfigured, property redeveloped in the future, or a proposal is submitted to alter the currently approved site plan, a more appropriate placement of said easement may be determined and agreed upon by the then property owner and City to continue to provide access through the property from Sunrise Boulevard south, depending on site layout and design of a proposed redevelopment plan.
2. Any utilities required to be removed, replaced or relocated, shall be done so at the applicant's expense, and as approved by the City Engineer. All improvements constructed within the easement shall conform to City engineering standards;
3. 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.

SKETCH AND DESCRIPTION

THIS IS NOT A SKETCH OF SURVEY, IT IS ONLY THE GRAPHIC REPRESENTATION OF THE DESCRIPTION DEPICTED HEREON.

A PORTION OF PARCEL A ACCORDING TO THE PLAT OF RESUBDIVISION OF BLOCKS 220 AND 221 PROGRESSO AS RECORDED IN PLAT BOOK 60 AT PAGE 30 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA TOGETHER WITH A PORTION OF LOTS 15 AND 16 IN BLOCK 221 ACCORDING TO THE PLAT OF PROGRESSO AS RECORDED IN PLAT BOOK 2 AT PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL "A"; THENCE RUN DUE WEST ALONG THE SOUTH BOUNDARY OF SAID PARCEL "A" 20.00 FEET; THENCE RUN NORTH 00°01'00" WEST 473.28 FEET TO AN INTERSECTION WITH A CURVE TO THE RIGHT A RADIAL AT SAID INTERSECTION BEARING SOUTH 19°27'18" WEST; THENCE ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 70°31'42" RUN 36.93' TO A POINT OF TANGENCY AND THE EASTERLY BOUNDARY OF SAID PARCEL "A"; THENCE RUN SOUTH 00°01'00" EAST ALONG SAID EAST BOUNDARY 445.00 FEET TO THE POINT OF BEGINNING. ALSO KNOWN AS THE EAST 20.00 FEET OF PARCEL "A" OF THE UNRECORDED PLAT OF BMW SUNRISE. SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA .



LEGEND:
A= ARC
D= CENTRAL ANGLE
BCR=BROWARD COUNTY RECORDS
DCR=DADE COUNTY RECORDS
ORB=OFFICIAL RECORDS BOOK
PB = PLAT BOOK AND PAGE
POB = POINT OF BEGINNING
R= RADIUS
Ro =RADIAL

BY: *Mark D. Sturgis* 9-23-12
MARK D. STURGIS,
LICENSED SURVEYOR AND MAPPER NO. 4829
STATE OF FLORIDA (SEAL)

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA		PORTION RESUBD. OF BLOCKS 220 AND 221 PROGRESSO AND LOTS 15 AND 16 BLOCK 221 PROGRESSO 20' ACCESS EASEMENT			
WINNINGHAM & FRADLEY, INC. ENGINEERS • PLANNERS • SURVEYORS 111 N.E. 44th STREET, OAKLAND PARK, FL 33334 954-771-7440 FAX: 954-771-0808	LU-0002995 LU-0002995	DRAWN: MDS CHECKED:	DATE: 9-19-12 DATE:	PROJECT NUMBER W-7047	SHEET 1 OF 1