# **RESOLUTION NO. 24-**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THAT PLATTED 50.00 FOOT INGRESS, EGRESS, UTILITY AND WELL EASEMENT, SAID PORTION LYING ALONG THE SOUTH LINE OF TRACT "C" AND THE WEST AND SOUTH LINES OF TRACT "B", "PALM AIRE VILLAGE 4<sup>TH</sup> SECTION" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 96, PAGE 35, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED EAST US HIGHWAY 441, NORTH OF PROSPECT ROAD, WEST OF NORTHWEST 31ST AVENUE AND SOUTH OF WEST CYPRESS CREEK ROAD (NORTHWEST 62ND STREET), ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA AND DELEGATING TO THE CITY MANAGER THE AUTHORITY EXECUTE INSTRUMENT GRANTING TO AN AND CONVEYING A PUBLIC DRAINAGE EASEMENT ON BEHALF OF THE CITY IN SUBSTANTIALLY THE FORM ATTACHED.

WHEREAS, the City of Fort Lauderdale entered into a Comprehensive Agreement for the Prospect Lake Clean Water Center in Fort Lauderdale, Florida with Prospect Lake Water, L.P. in capacity as the Project Company and Prospect Lake Holdings, L.P. and IDE PLCWC, Inc. in their capacity as Equity Providers; and

WHEREAS, Section 4.05 of the Comprehensive Agreement provides that each of the City and Project Company shall obtain and maintain governmental approvals and shall provide reasonable assistance to the other party in connection with the other party's obligation to obtain and maintain the applicable governmental approvals; and

WHEREAS, under the provisions of Section 47-24.7 of the City of Fort Lauderdale, Florida Unified Land Development Regulations (hereinafter "ULDR"), the City of Fort Lauderdale is applying for the vacation of a portion of that platted 50.00 foot ingress, egress, utility and well easement, said portion lying along the south line of Tract "C" and the west and south line of Tract "B", "Palm Aire Village 4<sup>th</sup> Section" according to the plat thereof as recorded in plat book 96, page 35, of the Public Records of Broward County, Florida (PZB Case No. UDP-EV24004) more fully described in <u>SECTION 2</u> below, located east of U.S. Highway 441, north of Prospect Road, west of Northwest 31<sup>st</sup> Avenue and south of West Cypress Creek Road (Northwest 62<sup>nd</sup> Street), Fort Lauderdale, Florida; and

PAGE 2

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 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:

<u>SECTION 1</u>. 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 September 3, 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.

<u>SECTION 2</u>. That the below described easement is hereby vacated and shall no longer constitute easements for ingress, egress, utility and well, subject to the conditions provided in SECTION 3 of this resolution:

A PORTION OF THAT PLATTED 50.00 FOOT INGRESS, EGRESS, UTILITY AND WELL EASEMENT, SAID PORTION LYING ALONG THE SOUTH LINE OF TRACT "C" AND THE WEST AND SOUTH LINE OF TRACT "B", "PALM AIRE VILLAGE 4<sup>TH</sup> SECTION" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 96, PAGE 35, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

More particularly described in Exhibit "A" attached.

Location: East of U.S. Highway 441, north of Prospect Road, west of Northwest 31<sup>st</sup> Avenue and south of West

# Cypress Creek Road (Northwest 62<sup>nd</sup> Street), Fort Lauderdale, Florida

<u>SECTION 3</u>. That the vacation of the ingress, egress, utility, and well easement shall not be effective until the applicant demonstrates compliance with the following conditions:

- 1. Applicant shall convey by written instrument that western portion of the ingress, egress, utility, and well easement, more particularly described in Exhibit "B," as a non-exclusive drainage easement in favor of the City.
- 2. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the Project Company, and easements will be dedicated at the new location, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department.
- 3. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the Project Company, and easements will be dedicated at the new location, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider.
- 4. The vacating resolution 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.

<u>SECTION 4</u>. That the City Manager is hereby delegated the authority to execute on behalf of the City of Fort Lauderdale an instrument granting and conveying a public drainage easement in substantially the form attached as Exhibit "C"

<u>SECTION 5.</u> 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.

<u>SECTION 6</u>. 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 3 of this resolution has not been recorded in the public records of Broward County, Florida.

<u>SECTION 7</u>. 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

24-

**RESOLUTION NO. 24-**

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 Project Company or the applicant, when applicable, 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

PAGE 4

CAM # 24-0701 Exhibit 6 Page 4 of 17



LEGAL DESCRIPTION (VACATION OF 50' INGRESS/EGRESS, WELL & UTILITY EASEMENT)

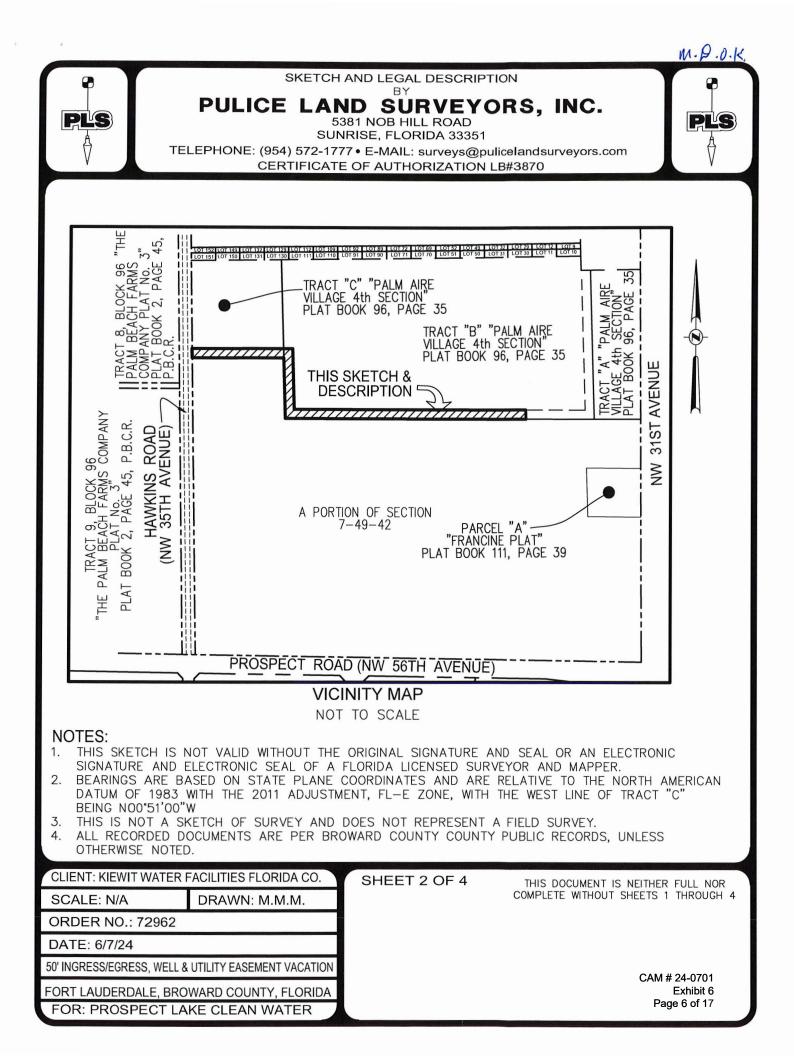
PORTIONS OF TRACTS "B" AND "C", **PALM AIRE VILLAGE 4TH SECTION**, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 96, PAGE 35, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

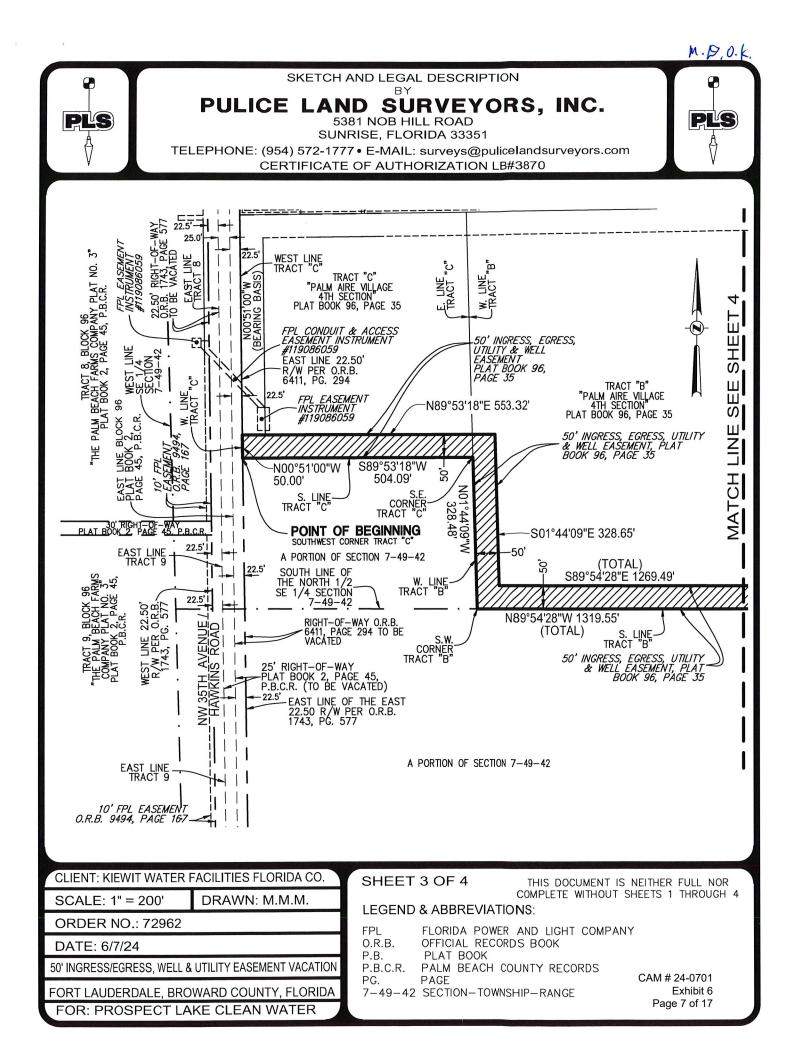
**BEGINNING** AT THE SOUTHWEST CORNER OF SAID TRACT "C", THENCE NORTH 00°51'00" WEST ALONG THE WEST LINE OF SAID TRACT "C" 50.00 FEET TO A POINT ON A LINE LYING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT "C"; THENCE NORTH 89'53'18" EAST ALONG SAID PARALLEL LINE AND THE EASTERLY EXTENSION THEREOF 553.32 FEET TO A POINT ON A LINE LYING 50.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT "C", SAID POINT ALSO LYING 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT "B"; THENCE SOUTH 01°44'09" EAST ALONG SAID PARALLEL LINE 328.65 FEET TO A POINT ON A LINE LYING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT "B"; THENCE SOUTH 89°54'28" EAST ALONG SAID PARALLEL LINE 1269.49 FEET; THENCE SOUTH 01°48'11" EAST 50.03 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT "B"; THENCE NORTH 89°54'28" WEST ALONG SAID SOUTH LINE 1319.55 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "B"; THENCE NORTH 01°44'09" WEST ALONG THE WEST LINE OF SAID TRACT "B" 328.48 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "C"; THENCE SOUTH 89°53'18" WEST ALONG THE SOUTH EAST CORNER OF SAID TRACT "C"; THENCE SOUTH 89°53'18" WEST ALONG THE SOUTH LINE OF SAID TRACT "C" 504.09 FEET TO THE **POINT OF BEGINNING**.

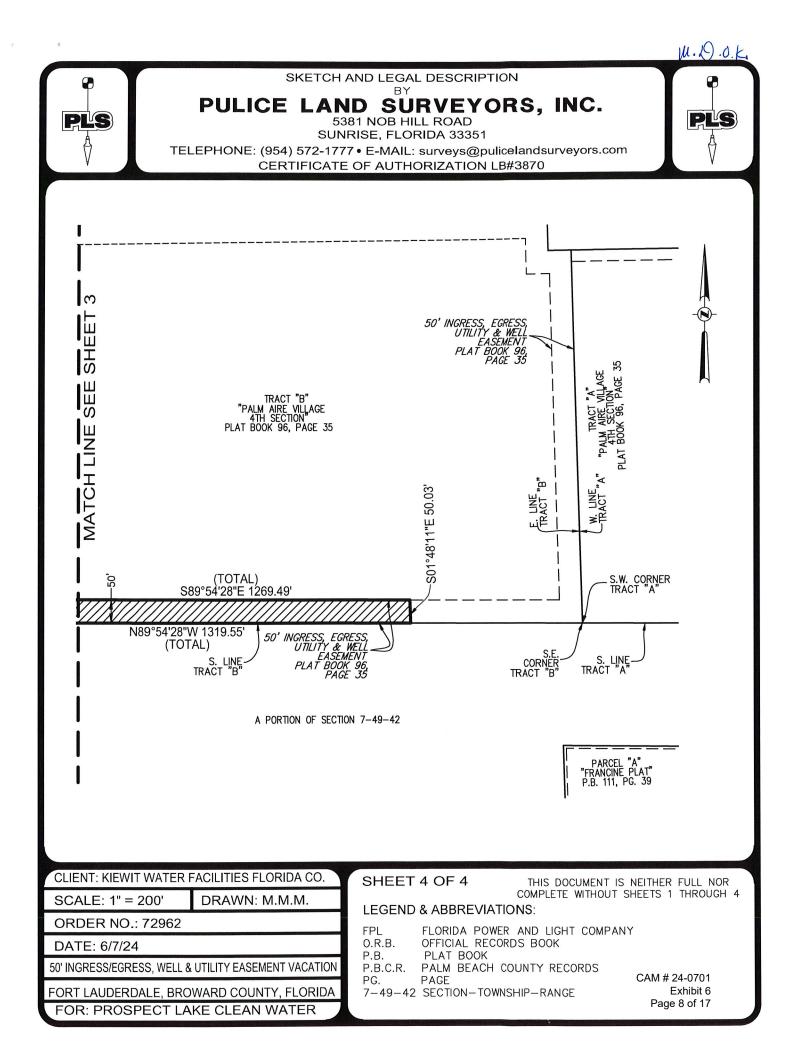
SAID LANDS LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND CONTAINING 107,584 SQUARE FEET (2.467 ACRES), MORE OR LESS.

| CLIENT: KIEWIT WATER FACILITIES FLORIDA CO.          |               | SHEET 1 OF 4  |  |  |
|--|---------------|---|--|--|
| SCALE: N/A   | DRAWN: M.M.M. |   | THIS DOCUMENT IS NEITHER FULL NOR<br>COMPLETE WITHOUT SHEETS 1 THROUGH 4 |  |
| ORDER NO.: 72962                                     |               |   |  |  |
| DATE: 6/7/24   |               | 1 Lal.  | 2  |  |
| 50' INGRESS/EGRESS, WELL & UTILITY EASEMENT VACATION |               | JOHN F. POLICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691 |  |  |
| FORT LAUDERDALE, BROWARD COUNTY, FLORIDA             |               | UVICTOR R. GILBERT, PROFES                              | SSIONAL SURVEYOR AND MAPPER LS6274                                       |  |
| FOR: PROSPECT LAKE CLEAN WATER                       |               | STATE OF FLORIDA  | ESSIONAL SURVEYOR AND MAPPER PSM5660<br>CAM # 24-0701                    |  |
|  |               | Exhibit "A"   | Exhibit 6  |  |

Page 5 of 17







Page 9 of 17



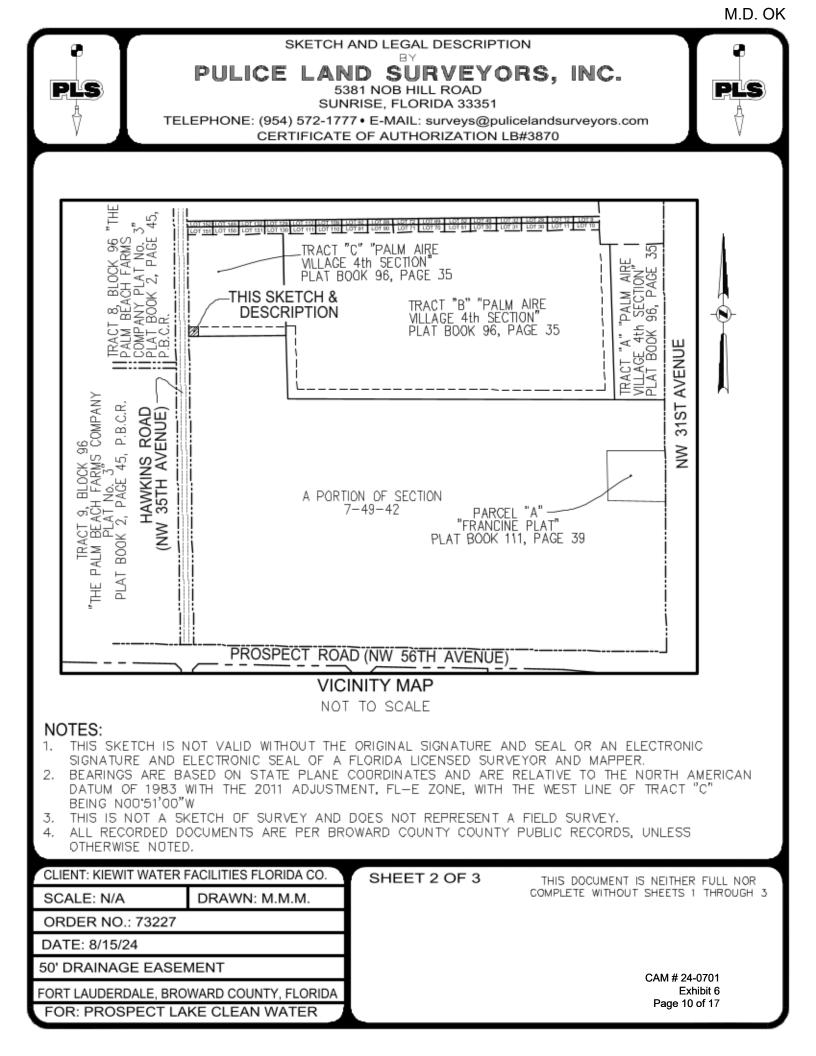
LEGAL DESCRIPTION: 50' DRAINAGE EASEMENT

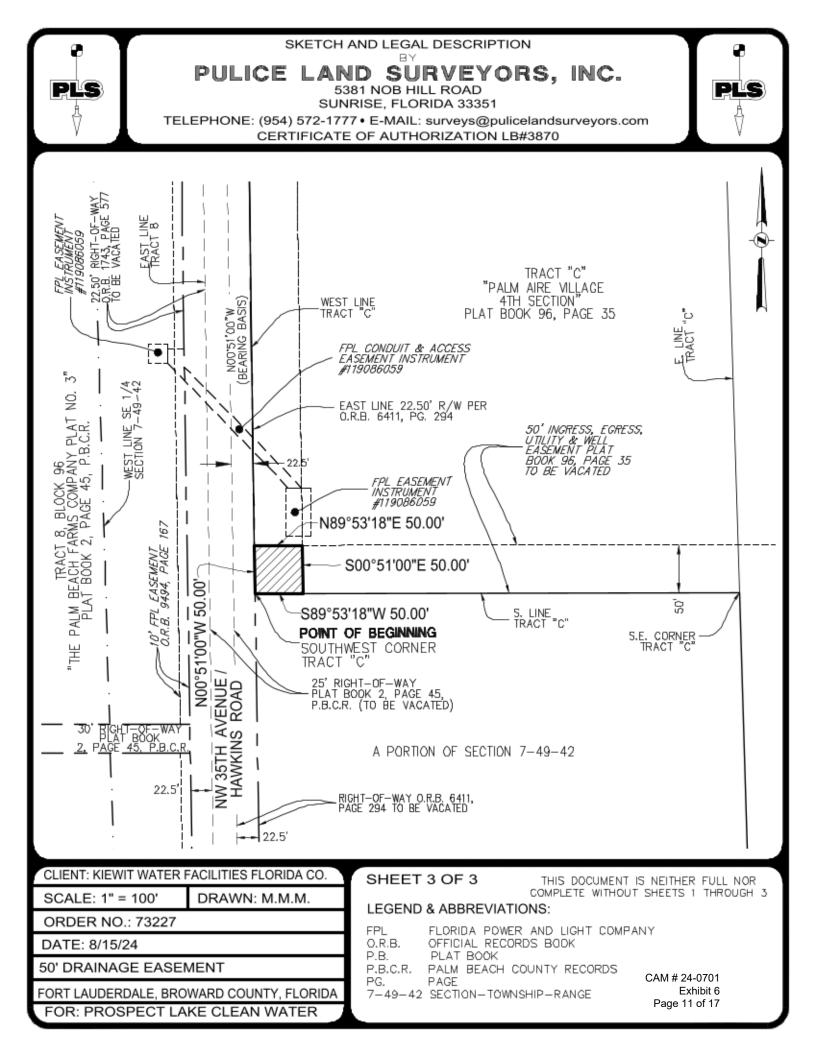
A PORTION OF TRACT "C", **PALM AIRE VILLAGE 4TH SECTION**, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 96, PAGE 35, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

**BEGINNING** AT THE SOUTHWEST CORNER OF SAID TRACT "C", THENCE NORTH 00°51'00" WEST ALONG THE WEST LINE OF SAID TRACT "C" 50.00 FEET TO A POINT ON A LINE LYING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT "C"; THENCE NORTH 89°53'18" EAST ALONG SAID PARALLEL LINE 50.00 FEET TO A POINT ON A LINE LYING 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT "C"; THENCE SOUTH 00°51'00" EAST ALONG SAID PARALLEL LINE 50.00 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT "C"; THENCE SOUTH 89°53'18" WEST ALONG SAID SOUTH LINE 50.00 FEET TO THE **POINT OF BEGINNING**.

SAID LANDS LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND CONTAINING 2,500 SQUARE FEET, MORE OR LESS.

| CLIENT: KIEWIT WATER FACILITIES FLORIDA CO. |               | SHEET 1 OF 3   | THIS DOCUMENT IS NEITHER FULL NOR                       |  |
|---|---------------|--|---|--|
| SCALE: N/A                                  | DRAWN: M.M.M. | John F   | Digitality signed by                                    |  |
| ORDER NO.: 73227                            |               | JOIIII   | John F Pulice   |  |
| DATE: 8/15/24                               |               | Pulice /   | Date: 2024.08.23  |  |
| 50' DRAINAGE EASEMENT                       |               | 14:45:50 -04 00  |   |  |
| FORT LAUDERDALE, BROWARD COUNTY, FLORIDA    |               | □ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691<br>□ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS627 |   |  |
| FOR: PROSPECT LAKE CLEAN WATER              |               | STATE OF FLORIDA   | ROFESSIONAL SURVEYOR AND MAPPER PSM566<br>CAM # 24-0701 |  |
|   |               | Exhibit "B"  | Exhibit 6   |  |

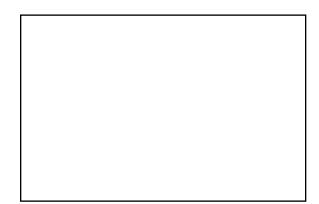




PREPARED BY AND RETURN TO:

SHAUN N. AMARNANI, ESQ. City of Fort Lauderdale City Attorney's Office 1 East Broward Blvd., Suite 1320 Fort Lauderdale, FL 33301

Folio No: 494207000110



(Space Above Reserved for Recording Information)

## PUBLIC DRAINAGE EASEMENT

THIS INDENTURE, made this \_\_\_\_\_ of \_\_\_\_, 2024, by and between:

The CITY OF FORT LAUDERDALE, a municipal corporation existing under the laws of the State of Florida, whose Post Office is 101 Northeast 3rd Avenue, Suite 2100, Fort Lauderdale, FL, 33301 hereinafter "Grantor",

In Favor of

The CITY OF FORT LAUDERDALE (itself), hereinafter the "Grantee", along with its successors and assigns.

#### WITNESSETH:

That said Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt of which is hereby acknowledged, has granted, bargained and sold unto the said Grantee, its successors and assigns a non-exclusive Public Drainage Easement for drainage infrastructure, for the retention, detention, conveyance, discharge and management of surface water runoff, and the right to access and install, inspect, test, maintain, repair, relocate, rehabilitate and replace such drainage infrastructure from time to time within the Easement Area and all other public purposes related thereto, as Grantee may deem necessary over, along, through, in, above, within and under the "Easement Area", said Easement Area lying and being in Fort Lauderdale, Broward County, Florida, more particularly described as follows:

#### SKETCH & LEGAL DESCRIPTION EXHIBIT "A" (hereinafter, the "Easement Area")

Grantor(s) hereby covenants with said Grantee that said Grantor is lawfully seized of fee simple title to the Easement Area and that Grantor hereby fully warrants and defends the title to this Easement Area hereby granted and conveyed against the lawful claims of all persons whomsoever.

Grantor's successors and assigns shall not make or construct any improvements within the Page 1 of 3 Exhibit 6 Page 12 of 17 Easement Area, conduct any activities which will conflict or interfere with the Easement granted herein. Further, Grantor's successors and assigns will not construct any walls or other permanent structures within the Easement Area.

NO MERGER OF EASEMENT WITH PARCEL - The parties hereto, including the Grantor and Grantee for themselves and their successors and assigns, expressly agree that the conveyance of the Public Drainage Easement, as described herein, shall not result in a merger of the Public Drainage Easement with title to the underlying parcel property. The Easement granted herein is intended to be, and shall remain, a separate and distinct interest in the underlying parcel property, which shall run with the land and be binding upon, and inure to the benefit of, the Grantee, and its successors and assigns outside the conveyance on the underlying property. This Public Drainage Easement shall survive any transfer or conveyance of the underlying parcel property or any portion thereof and shall not be extinguished without a separately recorded document that expressly reunifies the ownership of the Public Drainage Easement with the underlying parcel property.

\*("Grantor" and "Grantee" are used for singular or plural, as context requires.)

TO HAVE AND TO HOLD the same unto the Grantee, its successors and assigns forever.

IN WITNESSES WHEREOF, the Grantor has hereunto set Grantor's hand and seal the day and year first above written.

WITNESSES:

(Witness 1 Signature) Print Name:\_\_\_\_\_ Address:

## **GRANTOR:**

CITY OF FORT LAUDERDALE, A MUNICIPAL CORPORATION OF FLORIDA

By:\_\_\_\_\_\_ Susan Grant, Acting City Manager

(Witness 2 Signature) Print Name:\_\_\_\_\_ Address:\_\_\_\_\_

## STATE OF FLORIDA COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2024 by Susan Grant, Acting City Manager of the City of Fort Lauderdale, a municipal corporation of Florida on behalf of the City of Fort Lauderdale, Florida.

| Approved as to Form and Correctness:<br>Thomas J. Ansbro, City Attorney |   |
|---|---|
|   | Notary Public, State of Florida<br>(Signature of Notary taking Acknowledgement) |
| Shaun N. Amarnani, Esq., Asst. City<br>Attorney<br>Fort Lauderdale      | Name of Notary Typed, Printed or Stamped  |
|   | My Commission Expires:  |
|   | Commission Number:  |

M.D. OK



LEGAL DESCRIPTION: 50' DRAINAGE EASEMENT

A PORTION OF TRACT "C", **PALM AIRE VILLAGE 4TH SECTION**, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 96, PAGE 35, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

**BEGINNING** AT THE SOUTHWEST CORNER OF SAID TRACT "C", THENCE NORTH 00°51'00" WEST ALONG THE WEST LINE OF SAID TRACT "C" 50.00 FEET TO A POINT ON A LINE LYING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT "C"; THENCE NORTH 89°53'18" EAST ALONG SAID PARALLEL LINE 50.00 FEET TO A POINT ON A LINE LYING 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT "C"; THENCE SOUTH 00°51'00" EAST ALONG SAID PARALLEL LINE 50.00 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT "C"; THENCE SOUTH 89°53'18" WEST ALONG SAID SOUTH LINE 50.00 FEET TO THE **POINT OF BEGINNING**.

SAID LANDS LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND CONTAINING 2,500 SQUARE FEET, MORE OR LESS.

| CLIENT: KIEWIT WATER FACILITIES FLORIDA CO.                       |              | SHEET 1 OF 3  | THIS DOCUMENT IS N      |                                  |
|---|--------------|---|-------------------------|----------------------------------|
| SCALE: N/A D  | RAWN: M.M.M. | John F  | Digitality signed by    | EETS 1 THROUGH 3                 |
| ORDER NO.: 73227  |              |   | John F Pulice           |                                  |
| DATE: 8/15/24   |              | Pulice /  |                         |                                  |
| 50' DRAINAGE EASEMENT   |              | 14:45:50 -04 00   |                         |                                  |
| FORT LAUDERDALE, BROWARD COUNTY, FLORIDA                          |              | □ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691<br>□ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274<br>□ MICHAEL M. MOSSEY, PROFESSIONAL SURVEYOR AND MAPPER PSM566 |                         |                                  |
| FOR: PROSPECT LAKE CLEAN WATER                                    |              | STATE OF FLORIDA  | RUFESSIONAL SURVETOR AN | CAM # 24-0701                    |
| 50' DRAINAGE EASEMENT<br>FORT LAUDERDALE, BROWARD COUNTY, FLORIDA |              | □ VICTOR R. GILBERT, PR<br>□ MICHAEL M. MOSSEY, F   | OFESSIONAL SURVEYOR AND | MAPPER LS6274<br>D MAPPER PSM566 |

