

ORDINANCE NO. C-12-41

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF NORTHEAST 5 TERRACE LYING BETWEEN BLOCK 32, "RE-SUBDIVISION OF BLOCKS 2-31-32 OF NORTH LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, PAGE 25 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND BLOCK 33, "AMENDED PLAT OF NORTH LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 182 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED WEST OF NORTH FEDERAL HIGHWAY (US1;SR5), SOUTH OF NORTHEAST 5 STREET, EAST OF NORTHEAST 5 AVENUE AND NORTH OF NORTHEAST 4 STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the applicant, Downtown Flagler Village, Ltd., applied for the vacation of certain right-of-way as described in Section 1 herein associated with the development known as The Pearl at Flagler Village; and

WHEREAS, the City Commission, at its meeting of December 19, 2000, adopted Ordinance C-00-75 vacating, abandoning and closing a portion of Northeast 5th Terrace to be in full force and effect upon the recordation of a certificate of the City Engineer in the public records of Broward County evidencing that all conditions of the vacation have been met; and

WHEREAS, such certificate of the City Engineer has not been issued and has not been recorded the public records of Broward County; and

WHEREAS, the Planning and Zoning Board, at its meeting of July 18, 2012 (PZ Case No. 7-P-12), 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, October 16, 2012 and Tuesday, November 6, 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

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 the street is hereby vacated, abandoned, and closed and shall no longer constitute a public right-of-way as follows:

See Exhibit "A" attached hereto and made a part hereto

Location: N.E. 5th Terrace between N.E. 5th Street and N.E. 4th Street.

SECTION 2. That Ordinance No. C-00-75, adopted by the City of Fort Lauderdale on December 19, 2000 is hereby repealed.

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.

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 on the date a certificate of the City Engineer is recorded in the public records of Broward County evidencing that all conditions of the vacation listed on Exhibit "B" have been satisfied.

PASSED FIRST READING this the 16th day of October, 2012.

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

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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m. D. O.K.

SKETCH & DESCRIPTION FOR:
A PORTION OF NE 5th TERRACE (PLATTED AS 18th STREET)
AMENDED PLATS OF NORTH LAUDERDALE (P.B. 5, PAGE 25, B.C.R. & P.B. 1, PAGE 182, M.D.C.R.)
CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

LAND DESCRIPTION:

That portion of Northeast 5th Terrace (platted as 18th Street), lying east of and contiguous to the east line of Lots 5, 13, 14, 15, 16, and 17 of Block 32 of RE-SUBDIVISION OF BLOCKS 2-31-21 OF NORTH LAUDERDALE, according to the plat thereof, as recorded in Plat Book 5, Page 25 of the Public Records of Broward County, Florida, bounded on the north by the south right-of-way of Northeast 5th Street (platted as Central Avenue), on the east by the west line of Block 33 of AMENDED PLAT OF NORTH LAUDERDALE, according to the plat thereof as recorded in Plat Book 1, Page 182, of the Public Records of Miami-Dade County, Florida, and on the south by the easterly extension of the south line of Lot 17 of said Block 32. Said lands situate, lying and being in Broward County, Florida.

Said lands situate and being in the City of Fort Lauderdale, Broward County, Florida and containing 15,001 square feet, 0.34 acres, more or less.

SURVEYOR'S NOTES:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Bearings shown hereon are assumed based on the east line of Block 32 of RE-SUBDIVISION OF BLOCKS 2-31-21 OF NORTH LAUDERDALE, having a bearing of N00°00'00"W.
5. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
6. Abbreviation Legend: B.C.R. = Broward County Records; L.B. = Licensed Business; M.D.C.R. = Dade County Records; P.B. = Plat Book; PG. = Page; P.L.S. = Professional Land Surveyor; R/W = Right-of-Way.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Minimum Technical Standards set forth in Chapter 5J-17.05, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: _____

MICHAEL D. AVIROM, P.L.S.
Florida Registration No. 3268
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS
REVISED LEGAL DESCRIPTION (02/21/2012) BY M.M.K.



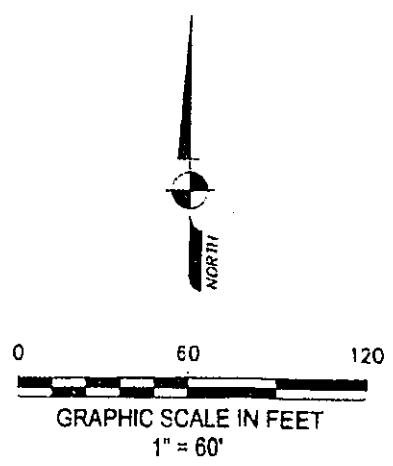
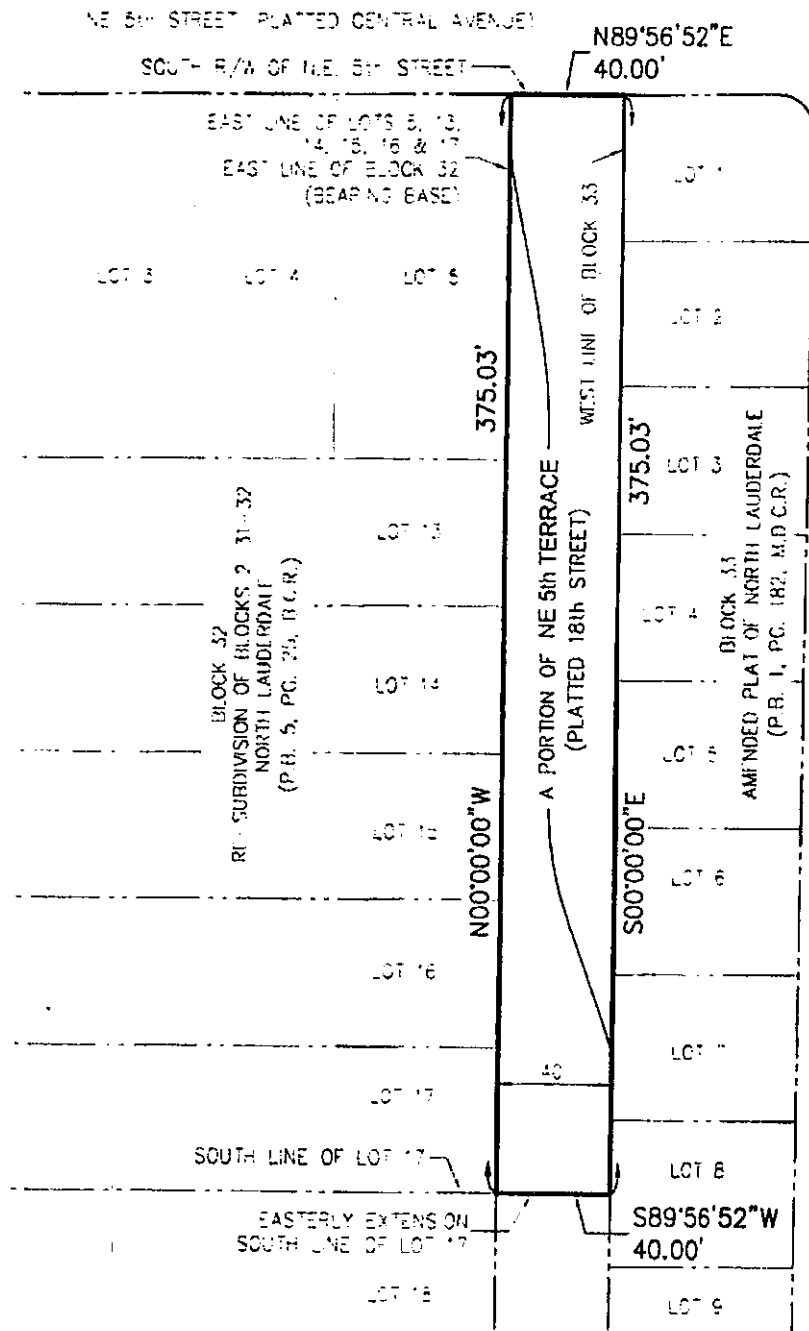
AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING
50 S.W. 2nd AVENUE, SUITE 102
BOCA RATON, FLORIDA 33432
TEL: (561) 366-0000 FAX: (561) 366-1922

Exhibit "A"
Page 1 of 2

Revised
02/21/2012
M.M.K.

JOB #:	8992B
SCALE:	1" = 60'
DATE:	02/07/2012
BY:	M.M.K.
CHECKED:	M.D.A.
F.B.	N/A
PG.	N/A
SHEET:	1 OF 2

SKETCH & DESCRIPTION FOR:
A PORTION OF NE 5th TERRACE (PLATTED AS 18th STREET)
 AMENDED PLATS OF NORTH LAUDERDALE (P.B. 5, PAGE 25, B.C.R. & P.B. 1, PAGE 182, M.D.C.R.)
 CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA




REVISIONS			AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING 53 S.W. 2nd AVENUE SUITE 102 BOCA RATON, FLORIDA 33433	Exhibit "A" Page 2 of 2	<div>AC 1/1/2012</div>	JOB #: 8992B
REVISED LEGAL DESCRIPTION (02/07/2012) BY M.M.K.						SCALE: 1" = 60'
						DATE: 02/07/2012
						BY: M.M.K.
						CHECKED: M.D.A.
						F.B. N/A PG. N/A
						SHEET: 2 OF 2

EXHIBIT "B"

**CONDITIONS OF APPROVAL
CASE NO. 7-P-12**

1. Applicant conveys a pedestrian and vehicular access easement, having a variable width ranging between 27 and 34 feet, connecting the remainder of NE 5th Terrace (not vacated by this ordinance) to NE 5th Street, subject to the approval of the City Engineer, in an instrument executed and delivered to the City in recordable form approved by the City Attorney. Said easement will allow, if requested by the applicant, the right to construct and maintain, within a portion of said easement area, footers/columns for the overhead pedestrian bridges, landscaping, irrigation, and lighting as shown on the approved site plan for the project known as The Pearl at Flagler Village ("Project"). The easement shall also provide that the right of the public to utilize the access easement shall take effect on the date a Certificate of Completion ("Certificate") is issued by the City's Engineer certifying that the construction of the access is completed in accordance with the site plan for Project and is ready for public use.
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.