

ORDINANCE NO. C-17-

AN ORDINANCE VACATING A PORTION OF THE PLATTED 14 FOOT ALLEY IN BLOCK 41, "FORT LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK "B", PAGE 40, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED WEST OF SOUTH ANDREWS AVENUE, NORTH OF SOUTHWEST 5TH STREET, EAST OF SOUTHWEST 1ST AVENUE, AND SOUTH OF SOUTH NEW RIVER DRIVE WEST, ALL SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, New River III LLC, 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 January 17, 2017 (PZ Case No. V16004), did recommend to the City Commission of the City of Fort Lauderdale ("City Commission") the vacation of the below-described alley subject to conditions; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, July 11, 2017, and Tuesday, August 22, 2017, 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 City of Fort Lauderdale, Florida 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 alley is hereby vacated and shall no longer constitute a public right-of-way:

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

Location: West of South Andrews Avenue, north of S.W. 5th Street, east of S.W. 1st Avenue, and south of South New River Drive West

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 That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.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. 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 6. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 7. 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. A copy of the recorded certificate must be provided to the City.

PASSED FIRST READING this the ____ day of _____, 2017.
PASSED SECOND READING this the ____ day of _____, 2017.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI



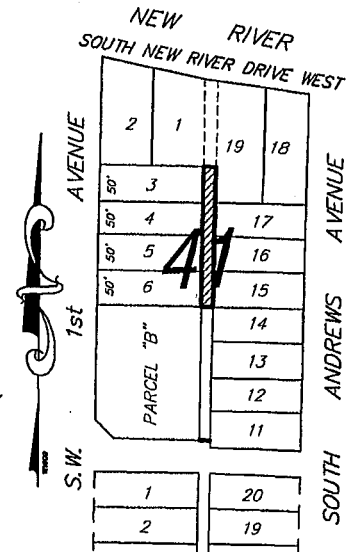
McLAUGHLIN ENGINEERING COMPANY
LB#285

m. D. O.K.

ENGINEERING * SURVEYING * PLATTING * LAND PLANNING
 1700 N.W 64th STREET, SUITE 400 FORT LAUDERDALE, FLORIDA 33309
 PHONE (954) 763-7611 * FAX (954) 763-7615

**SKETCH AND DESCRIPTION
 TO ACCOMPANY VACATION PETITION
 NEW RIVER YACHT CLUB
 A PORTION OF 14' PLATTED ALLEY
 IN BLOCK 41,
 TOWN OF FORT LAUDERDALE
 SHEET 1 OF 2 SHEETS**

EXHIBIT "A"



**SITE LAYOUT
 NOT TO SCALE**

LEGAL DESCRIPTION:

A portion of that certain 14.00 feet platted Alley in Block 41, FORT LAUDERDALE, according to the plat thereof recorded in Plat Book "B", at Page 40, of the Public Records of Dade County, Florida, bounded as follows:

On the North by the Easterly extension of the North line of Lot 3, of said Block 41;

On the East by the West line of Lots 15, 16 and 17 AND the West line of the South 50.00 feet of Lot 19, of said Block 41;

On the South by the Easterly extension of the South line of Lot 6, of said Block 41;

On the West by the East line of Lots 3, 4, 5 and 6, of said Block 41.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 2,800 square feet or 0.0643 acres more or less.

CERTIFICATION

Certified Correct. Dated at Fort Lauderdale, Florida this 5th day of December, 2016.

McLAUGHLIN ENGINEERING COMPANY

JERALD A. McLAUGHLIN
 Registered Land Surveyor No. 5269
 State of Florida.

NOTES:

- 1) This sketch reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Legal description prepared by McLaughlin Engineering Co.
- 3) This drawing is not valid unless sealed with an embossed surveyors seal.
- 4) THIS IS NOT A BOUNDARY SURVEY.
- 5) Bearings shown assume the East line of said Lots 3 to 6, as South 00°00'00" East.

FIELD BOOK NO. _____

DRAWN BY: JMMjr

JOB ORDER NO. V-1730

CHECKED BY:

REF. DWG.: 00-3-045

C: \JMMjr/2016/V1730(EASE)



McLAUGHLIN ENGINEERING COMPANY
LB#285

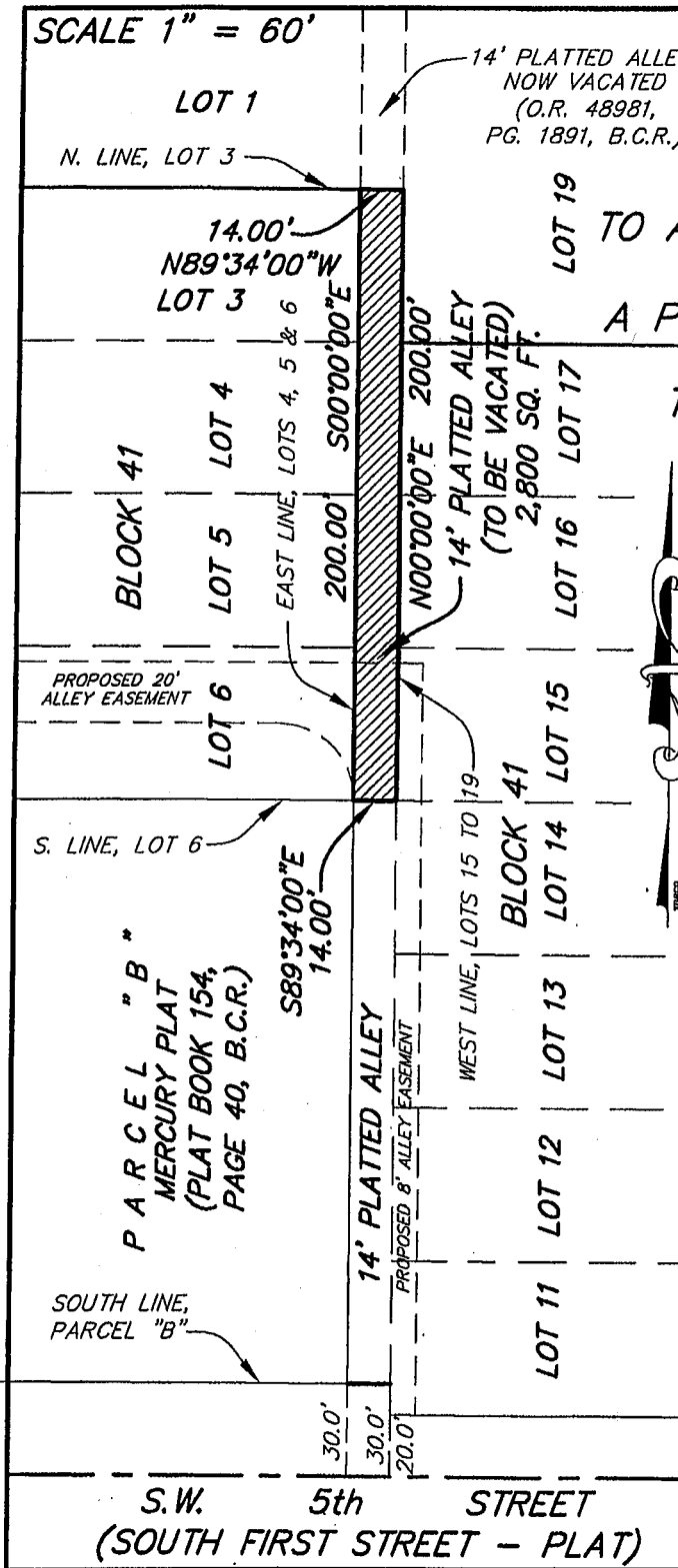
m. D. O.K.

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SCALE 1" = 60'

EXHIBIT "A"

**SKETCH AND DESCRIPTION
 TO ACCOMPANY VACATION PETITION
 NEW RIVER YACHT CLUB
 A PORTION OF 14' PLATTED ALLEY
 IN BLOCK 41,
 TOWN OF FORT LAUDERDALE
 SHEET 2 OF 2 SHEETS**



LEGAL DESCRIPTION:

A portion of that certain 14.00 feet platted Alley in Block 41, FORT LAUDERDALE, according to the plat thereof recorded in Plat Book "B", at Page 40, of the Public Records of Dade County, Florida, more fully described on Sheet 1 of 2 Sheets.

NOTES:

- 1) This sketch reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Legal description prepared by McLaughlin Engineering Co.
- 3) This drawing is not valid unless sealed with an embossed surveyors seal.
- 4) THIS IS NOT A BOUNDARY SURVEY.
- 5) Bearings shown assume the West line of Lots 11 to 17, as North 00°00'00" East.

CERTIFICATION

Certified Correct. Dated at Fort Lauderdale, Florida this 5th day of December, 2016.

McLAUGHLIN ENGINEERING COMPANY

 JERALD A. McLAUGHLIN
 Registered Land Surveyor No. 5269
 State of Florida.

FIELD BOOK NO. _____
 JOB ORDER NO. V-1730
 REF. DWG.: 00-3-045

DRAWN BY: JMMjr
 CHECKED BY: [Signature]
 C: \JMMjr\2016\1730(EASE)

EXHIBIT "B"

**CONDITIONS OF APPROVAL
CASE NO. V16004**

1. 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; and
2. 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; and
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. 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.