

RESOLUTION NO. 24-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THAT CERTAIN 15.00 FOOT ALLEY EASEMENT, VACATED AND RETAINED AS A UTILITIES, GOVERNMENTAL AND EMERGENCY INGRESS AND EGRESS EASEMENT IN OFFICIAL RECORDS BOOK 26690, PAGE 282, AND ALSO BEING A PORTION OF THAT CERTAIN UTILITIES, DRAINAGE, GOVERNMENTAL AND EMERGENCY VEHICULAR AND PEDESTRIAN ACCESS EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 28950, PAGE 1612, ALL OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED WEST OF NORTHEAST 1ST AVENUE, NORTH OF NORTHEAST 6TH STREET (SISTRUNK BOULEVARD), EAST OF NORTH ANDREWS AVENUE AND SOUTH OF NORTHEAST 7TH STREET, ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, under the provisions of Section 47-24.7 of the City of Fort Lauderdale, Florida Unified Land Development Regulations (hereinafter "ULDR"), 650 North Andrews LLC is applying for the vacation of a 15-foot utilities, drainage, governmental and emergency vehicular and pedestrian access easement (Case No. UDP-EV23010) more fully described in SECTION 2 below, located west of Northeast 1st Avenue, north of Northeast 6th Street (Sistrunk Boulevard), east of North Andrews Avenue and south of Northeast 7th 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 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 February 20, 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.

SECTION 2. That the below described easement is hereby vacated and shall no longer constitute easements for utilities, drainage, governmental and emergency vehicular and pedestrian access, subject to the conditions provided in SECTION 3 of this resolution:

A PORTION OF THAT CERTAIN 15.00 FOOT ALLEY EASEMENT, VACATED AND RETAINED AS A UTILITIES, GOVERNMENTAL AND EMERGENCY INGRESS AND EGRESS, UTILITIES EASEMENT IN OFFICIAL RECORDS BOOK 26690, PAGE 282, AND ALSO BEING A PORTION OF THAT CERTAIN UTILITIES, STORMWATER AND DRAINAGE, GOVERNMENTAL AND EMERGENCY VEHICULAR AND PEDESTRIAN ACCESS, EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 28950, PAGE 1612, ALL OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

More particularly described in Exhibit "A" attached.

Location: West of Northeast 1st Avenue, north of Northeast 6th Street (Sistrunk Boulevard), east of North Andrews Avenue and south of Northeast 7th Street

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

1. Prior to building permit issuance, the existing sewer infrastructure within the easement is to be removed and a method of terminating the pipe removal at the southern boundary

needs to be permitted and approved by the Public Works Department in accordance with the No Objection letter issued by the City’s Public Works Department, dated July 7, 2024

- 2. Any other City infrastructure known or unknown and found to be within the vacated area shall be removed or relocated at the expense of the applicant as authorized by a permit obtained from the City Engineer.
- 3. 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.
- 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.

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 3 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:

Interim City Attorney
D'WAYNE M. SPENCE

Dean J. Trantalis _____

John C. Herbst _____

Steven Glassman _____

Pamela Beasley-Pittman _____

Ben Sorensen _____

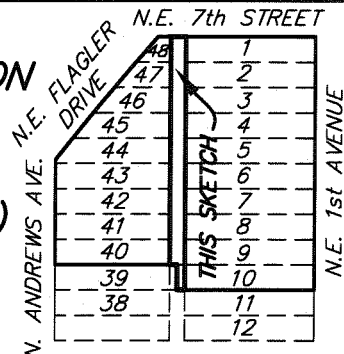
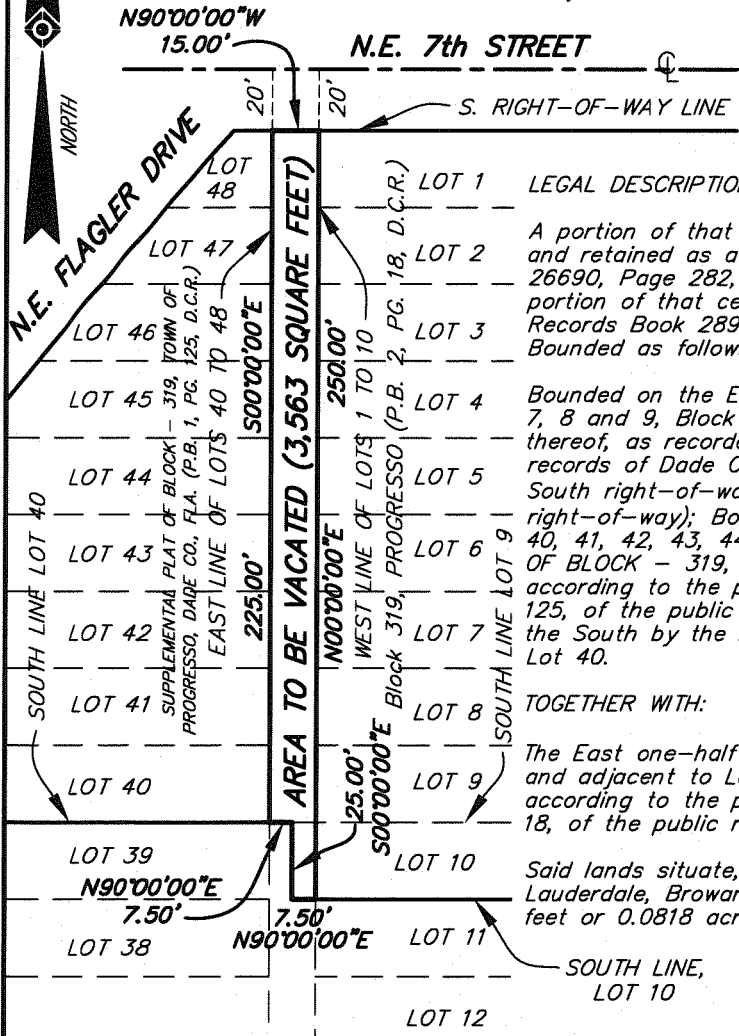


CONTROL POINT ASSOCIATES, FL, LLC.
LB #8137

TRADITIONAL METHODS | MODERN APPROACHES
 1901 W. CYPRESS CREEK ROAD #501, FORT LAUDERDALE, FLORIDA 33309
 PHONE: (954) 763-7611 * EMAIL: DDONAHOE@CPASURVEY.COM

M.J.O.K.

SCALE 1" = 60' **SKETCH AND DESCRIPTION**
TO ACCOMPANY VACATION PETITION
15' UTILITY EASEMENT
(O.R. 26690, PG. 282, B.C.R.
& O.R. 28950, PG. 1612, B.C.R.)



SITE LAYOUT
NOT TO SCALE

LEGAL DESCRIPTION:

A portion of that certain 15.00 foot platted Alley now Vacated and retained as a Utility Easement in Official Records Book 26690, Page 282, Broward County Records, and also being a portion of that certain Utility Easement recorded in Official Records Book 28950, Page 1612, Broward County Records, Bounded as follows:

Bounded on the East by the West line of Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, Block 319, PROGRESSO, according to the plat thereof, as recorded in Plat Book 2, Page 18, of the public records of Dade County, Florida; Bounded on the North by the South right-of-way line of N.E. 7th Street (40 foot right-of-way); Bounded on the West by the East line of Lots 40, 41, 42, 43, 44, 45, 46, 47 and 48, SUPPLEMENTAL PLAT OF BLOCK - 319, TOWN OF PROGRESSO, DADE CO., FLA., according to the plat thereof, as recorded in Plat Book 1, Page 125, of the public records of Dade County, Florida. Bounded on the South by the Easterly extension of the South line of said Lot 40.

TOGETHER WITH:

The East one-half (E 1/2) of said Vacated Alley, lying West of and adjacent to Lot 10, of said Block 319, PROGRESSO, according to the plat thereof, as recorded in Plat Book 2, Page 18, of the public records of Dade County, Florida.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 3,563 square feet or 0.0818 acres more or less.

CERTIFICATION

Certified Correct. Dated at Fort Lauderdale, Florida this 3rd day of January, 2024.
 General revisions made this 17th day of October, 2024.

CONTROL POINT ASSOCIATES, FL, LLC.

J. M. McLaughlin Jr.
JAMES M. McLAUGHLIN JR.
 Registered Land Surveyor No. LS4497
 State of Florida.

Digitally signed by
 James McLaughlin Jr.
 DN: cn=US, o=CONTROL
 POINT ASSOCIATES FL,
 dnQualifier=A01410D0
 0000190E463B7BC0002
 778E, cn=James
 McLaughlin Jr.
 Date: 2024.10.17
 10:40:39 -04'00'

**James
 McLaughlin Jr.**

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 Control Point Associates, FL, LLC.
- 2) Legal description prepared by Control Point Associates, FL, LLC.
- 3) This drawing is not valid unless sealed with an appropriate surveyors seal.
- 4) THIS IS NOT A BOUNDARY SURVEY.
- 5) Bearings shown assume the

FIELD BOOK NO. _____

DRAWN BY: JMMjr

JOB ORDER NO. 15-230614-00

CHECKED BY: _____
 C: \JMMjr/2024/230614-00 (SKETCH)