

ORDINANCE NO. C-15-XX

AN ORDINANCE AMENDING ORDINANCE NO. C-13-39 WHICH VACATED AN ALLEY, MORE PARTICULARLY DESCRIBED BELOW, BY DELETING SECTION 4 (A) OF THE ORDINANCE WHICH PROVIDED THAT THE ORDINANCE WOULD NOT BE IN FULL FORCE AND EFFECT UNTIL A CERTIFICATE OF THE CITY ENGINEER WAS RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA EVIDENCING COMPLETION OF THE DEVELOPMENT; PROVIDING FOR SEVERABILITY AND REPEAL OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS, the City of Fort Lauderdale City Commission adopted Ordinance No. C-13-39 on second reading on October 1, 2013; and

WHEREAS, Ordinance No. C-13-39, subject to certain terms and conditions, vacated that certain 15 foot platted alley more particularly described in Ordinance No. C-13-39; and

WHEREAS, that among the conditions attached to Ordinance No. C-13-39 was a condition in Section 4 (a) of the Ordinance providing that the vacation would not be effective until completion of the development as evidenced by an Engineer's Certificate; and

WHEREAS, it has been determined by City staff that the development cannot be commenced until such time as the vacation is effective; and

WHEREAS, it has been determined that under the circumstances a valid municipal purpose is served by deleting the requirement that the vacation not be effective until completion of the development; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 4 of City of Fort Lauderdale Ordinance No. C-13-39 is hereby amended to read as follows:

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

SECTION 4. That Ordinance No. C-13-39 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 set forth below have been satisfied:

(a) ~~Vacation of the right-of-way shall be effective upon completion of the development and evidenced by an Engineer's Certificate;~~

(b) As per AT&T, the owner will be required to grant a new easement, conduit and any other support facilities required by the company within the 15-foot right-of-way to be vacated;

(c) 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; and

(d) 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 have been met. A copy of the recorded Certificate must be provided to the City.

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

SECTION 4. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this the _____ day of _____, 2015.

PASSED SECOND READING this the _____ day of _____, 2015.

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Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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