

ORDINANCE NO. C-14-31

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE PLATTED 15 FOOT ALLEY BOUNDED ON THE EAST BY LOTS 11 THROUGH 13, BOUNDED ON THE WEST BY LOTS 14 THROUGH 16, BOUNDED ON THE NORTH BY A LINE BETWEEN THE NORTHEAST CORNER OF SAID LOT 16 AND THE NORTHWEST CORNER OF SAID LOT 11 AND BOUNDED ON THE SOUTH BY THE NORTH RIGHT OF WAY LINE OF NORTHEAST 5<sup>TH</sup> STREET, BLOCK 4, "AMENDED PLAT OF BLOCKS 1, 2, 3, 4, 5, 6, 7, 8, 25, 26, 27, 28, 29, 30, 31, 32 AND 33 OF NORTH LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 182, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; LOCATED NORTH OF NORTHEAST 5<sup>TH</sup> STREET, EAST OF NORTHEAST 2<sup>ND</sup> AVENUE, WEST OF NORTHEAST 3<sup>RD</sup> AVENUE AND SOUTH OF NORTHEAST 6<sup>TH</sup> STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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WHEREAS, the applicant, Tropical American Properties, L.L.C., applied for the vacation of certain right-of-way as described in Section 1 herein associated with the development known as Pineapple House; and

WHEREAS, the Planning and Zoning Board, at its meeting of June 18, 2014 (PZ Case No. V14003), did recommend to the City Commission of the City of Fort Lauderdale ("City Commission") the vacation of the below-described portion of an alley subject to conditions; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, August 19, 2014 and Wednesday, September 3, 2014 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 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 right-of-way is hereby vacated, abandoned, and closed and shall no longer constitute a public right-of-way, subject to the conditions provided in SECTION 2 of this Ordinance:

A PORTION OF THE 15.00 FOOT WIDE ALLEY LYING WITHIN BLOCK 4, "AMENDED PLAT OF BLOCKS 1, 2, 3, 4, 5, 6, 7, 8, 25, 26, 27, 28, 29, 30, 31, 32 AND 33 OF NORTH LAUDERDALE", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, AT PAGE 182 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE EAST BY THE WEST LINE OF LOTS 11, 12 AND 13; BOUNDED ON THE SOUTH BY THE NORTH RIGHT OF WAY LINE OF N.E. 5<sup>TH</sup> STREET, SAID NORTH RIGHT OF WAY LINE BEING 25.00 FEET NORTH OF AND PARALLEL WITH, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE OF SAID N.E. 5<sup>TH</sup> STREET; BOUNDED ON THE WEST BY THE EAST LINE OF LOTS 14, 15 AND 16; AND BOUNDED ON THE NORTH BY A LINE BETWEEN THE NORTHEAST CORNER OF SAID LOT 16 AND THE NORTHWEST CORNER OF SAID LOT 11 ALL INCLUSIVE IN SAID BLOCK 4.

SAID LANDS SITUATE IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA. CONTAINING 2,250 SQUARE FEET OR 0.052 ACRES MORE OR LESS.

Location: North of N.E. 5<sup>th</sup> Street, east of N.E. 2<sup>nd</sup> Avenue, west of N.E. 3<sup>rd</sup> Avenue and south of N.E. 6<sup>th</sup> Street.

SECTION 2. That the vacation of the right-of-way shall not be effective until the applicant demonstrates compliance with the following conditions:

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;
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. 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 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 ten days from the date of final passage.

SECTION 7. 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 8. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

PASSED FIRST READING this the 19th day of August, 2014.

PASSED SECOND READING this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

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City Clerk  
JONDA K. JOSEPH