

RESOLUTION NO. 15-02

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA SETTING A *DE NOVO* HEARING ON THE APPEAL OF THE APPLICANT, CROWN CASTLE NG EAST, LLC, PURSUANT TO CITY CODE SECTION 25-100.2 AND PURSUANT TO A STIPULATION WITH THE APPLICANT, AND EXTENDING THE DATE FOR THE *DE NOVO* HEARING FROM THE PREVIOUSLY SCHEDULED JANUARY 6, 2015, TO AN EXTENDED DATE OF FEBRUARY 3, 2015, AT THE REGULAR MEETING OF THE CITY COMMISSION; REPEALING ANY AND ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to City Code Sec. 25-100.1, Crown Castle NG East, LLC, submitted Applications 13-01, 13-04, 13-05, 13-06, 13-07, 13-09, 13-11, and 13-12 for installation utility poles, ground mounted cabinets and Distributed Antenna Systems of twelve cabinets and utility poles; and

WHEREAS, on August 27, 2013, the City Engineer, through his designee, issued a letter formally denying the foregoing Applications for right-of-way permits; and

WHEREAS, pursuant to Section 25.100.2 of the City of Fort Lauderdale Code of Ordinances, the Applicant has appealed the decision of the City Engineer to the City Commission; and

WHEREAS, the first stage of the hearings under City Code Sec. 25-100.2 was scheduled to be heard before the City Commission on November, 4, 2014; and

WHEREAS, the Applicant, Crown Castle NG East, LLC stipulated with counsel for the City to by-pass the first stage of the appeal and proceed directly to a *de novo* hearing pursuant to City Code Sec. 25-100.2 (a) (3), without prejudice as to the requirements of City Code Sec. 25-100.2 (a) (1) or (2) and that such *de novo* hearing be heard December 17, 2014; and

WHEREAS, the parties have further stipulated to work together to make conforming adjustments to the applications where possible and to further explore waivers by the City Engineer of the strict requirements of certain applicable subsections by the City Engineer pursuant to City Code Sec. 25-100.1 (d) with conditions attached designed to mitigate adverse impacts from the at grade communications service facilities relative to the surrounding properties and surrounding neighborhood; and

WHEREAS, at the meeting of November 4, 2014, the City Commission adopted Resolution No. 14-181, setting a *de novo* hearing on the appeal for the Regular Meeting of the City Commission on December 17, 2014, on the appeal of the Applicant, Crown Castle NG East, LLC, and having received a request from the Applicant for a continuance of that previously scheduled December 17, 2014, hearing date to January 6, 2015, the Commission found that it was in the best interest of all parties that such request for an extended hearing date to January 6, 2015, be granted; and

WHEREAS, at the meeting of January 6, 2015, and having received a request from the Applicant for a continuance of that previously scheduled January 6, 2015, hearing date to February 3, 2015, the Commission finds that it is in the best interest of all parties that such request for an extended hearing date to February 3, 2015, be granted;

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


SECTION 1 That each WHEREAS clause set forth above is true and correct and incorporated herein by this reference.

SECTION 2. That pursuant City Code Sec. 25-100.2 and pursuant to the foregoing stipulations, the *de novo* hearing on the Applicant's appeal previously scheduled for 6:00 p.m., January 6, 2015, in City Commission Chambers, City Hall, 100 North Andrews Avenue, Fort Lauderdale, Florida, is hereby extended and scheduled for 6:00 PM, February 3, 2015, at the same location, or as soon thereafter as practical. At such time and place, the City Commission shall consider whether or not it intends to approve, amend or reject the decision of the City Engineer as to any denials of the pending applications that have not otherwise been approved.

SECTION 3. That any and all Resolutions in conflict herewith are hereby repealed.


SECTION 4. This Resolution shall be effect immediately upon passage.

ADOPTED this the 6th day of January, 2015.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JONDA K. JOSEPH