



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
Regular Meeting

14-0353

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Cynthia A. Everett, City Attorney

DATE: March 4, 2014

TITLE: FIRST READINGS – An Ordinance Amending Ordinance No. C-14-09
Vacating a Portion of the Right-of-Way dedicated as Southwest Second
Court, to Replace Exhibit “A”

Recommendation

It is recommended that the City Commission introduce an ordinance, on first reading, amending Ordinance No. C-14-09, which vacated a portion of the right-of-way dedicated as Southwest Second Court, to replace the sketch and legal description attached thereto as Exhibit “A”.

Background

On February 4, 2014 and February 18, 2014, the City Commission held public hearings to review applications for four right-of-way vacations and an easement vacation associated with the development of a new commercial shopping center on the southeast corner of Southwest 27th Avenue and West Broward Boulevard known as the Riverbend Marketplace (“Walmart”). The vacations were approved by the City Commission through the adoption of Ordinance No. C-14-08, vacating portions of SW 2nd Street, Ordinance No. C-14-09, vacating portions of SW 2nd Court, Ordinance C-14-11, vacating portions of SW 26th Avenue and Ordinance No. C-14-12 vacating a portion of S.W. 2nd Court. Subsequent to the recordation of the ordinances it was discovered that Exhibit “A” to Ordinance No. C-14-09 contained a sketch and legal description that did not correspond to the right-of-way vacated by that ordinance. See Exhibit 1. Specifically, the sketch and legal description associated with the vacation of SW 2nd Street was inadvertently attached to Ordinance No. C14-09, which vacated portions of SW 2nd Court, as Exhibit “A”.

A review of the record of the hearing and the title and text of Ordinance No. C-14-08 and Ordinance No. C-14-09 clearly demonstrates the City Commission’s intent to vacate Southwest Second Court through the adoption of Ordinance No. C-14-09 and to vacate Southwest Second Street through the adoption of Ordinance No. C-14-08, and that the inadvertent attachment of the wrong legal description and sketch to Ordinance No. C-14-09 constitutes a clerical error. The adoption of the proposed ordinance corrects this error. See Exhibit 2.

Resource Impact:

There is no fiscal impact associated with this action.

Attachments:

Exhibit 1 – Ordinance No. C-14-09

Exhibit 2 – Proposed Ordinance

Prepared by: D'Wayne M. Spence, Assistant City Attorney

Cynthia A. Everett, City Attorney

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