

ORDINANCE NO. C-14-

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE PLATTED 15 FOOT ALLEY RESERVATION BOUNDED ON THE EAST BY LOTS 1 THROUGH 15, BOUNDED ON THE WEST BY LOTS 34 THROUGH 48 AND BOUNDED ON THE NORTH BY A LINE BETWEEN THE NORTHWEST CORNER OF SAID LOT 1 AND THE NORTHEAST CORNER OF SAID LOT 48 AND BOUNDED ON THE SOUTH BY A LINE BETWEEN THE SOUTHWEST CORNER OF SAID LOT 15 AND THE SOUTHEAST CORNER OF SAID LOT 34 , BLOCK 317, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED NORTH OF NORTHEAST 6<sup>TH</sup> STREET, EAST OF NORTHEAST 2<sup>ND</sup> AVENUE, WEST OF NORTHEAST 3<sup>RD</sup> AVENUE (N. FEDERAL HIGHWAY) AND SOUTH OF NORTHEAST 7<sup>TH</sup> STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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WHEREAS, the applicant, Pacific National Bank/John Hart/Alan Jay Braverman, applied for the vacation of certain right-of-way as described in Section 1 herein; and

WHEREAS, the Planning and Zoning Board, at its meeting of September 17, 2014 (PZ Case No. V14004), did recommend to the City Commission of the City of Fort Lauderdale ("City Commission") the vacation of the below-described alley subject to conditions; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, December 2, 2014 and Wednesday, December 17, 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 alley is hereby vacated, abandoned, and closed and shall no longer constitute a public right-of-way:

See Exhibit attached hereto  
and made a part hereof

Location: North of N.E. 6<sup>th</sup> Street, east of N.E. 2<sup>nd</sup> Avenue,  
West of N.E. 3<sup>rd</sup> Avenue (N. Federal Highway) and  
south of N.E. 7<sup>th</sup> Street.

SECTION 2. That the vacation of the platted 15 foot alley reservation is subject to the following conditions precedent:

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; and
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 provided.

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. 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.

SECTION 8. That this 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.

PASSED FIRST READING this the \_\_\_\_\_ day of \_\_\_\_\_, 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

