

RESOLUTION NO. 23-211

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THE EXISTING 14-FOOT RETAINED UTILITY EASEMENT, DESCRIBED IN OFFICIAL RECORDS BOOK 17411, PAGE 610, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID PORTION BEING ADJACENT TO LOTS 8, 9, 16 AND 17 AND THE WEST HALF ADJACENT TO LOT 10 AND THE NORTH 15.00 FEET OF LOT 11, TOGETHER WITH THE EAST HALF ADJACENT TO THE NORTH 18.00 FEET OF LOT 15, BLOCK 17, "TOWN OF FORT LAUDERDALE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "B", PAGE 40, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED WEST OF SOUTHWEST 3RD AVENUE, NORTH OF SOUTHWEST 2ND STREET, EAST OF SOUTHWEST 4TH AVENUE AND SOUTH OF WEST BROWARD BOULEVARD, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, under the provisions of Section 47-24.7. of the City of Fort Lauderdale, Florida Unified Land Development Regulations (hereinafter "ULDR"), an application was submitted on behalf of the property owner, Nugent Avenue Parking, LLC, for the vacation of a portion of the existing 14-foot retained utility easement (Case No. UDP-EV23001), more specifically described in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, in accordance with Section 47-24.7. of the ULDR, all utilities known to have an interest have been notified and have no objection to the vacation of the easement; and

WHEREAS, the City Engineer has certified that there is no objection to the vacation; and

WHEREAS, the Development Review Committee ("DRC") has made the required report and has also recommended the vacation of the easement, and City staff has determined that the easement proposed for vacation is no longer needed for a public purpose.

SECTION 1. That the recitals set forth above are true and correct and are incorporated in this resolution.

SECTION 2. The City Commission finds that the application for vacation of easement meets the criteria of Section 47-24.7. of the ULDR as enunciated and memorialized in the minutes of its meeting on September 19, 2023, and a portion of those findings are expressly listed as follows:

- a. The easement is no longer needed for public purposes. A portion of the utility easement located on the abutting property to the north has already been vacated. As part of the relocation and removal of the utilities, the owner is working with the utility companies to relocate all utilities located on the subject parcels as well as those located on the abutting properties to the north. Letters of no objection from the utility companies are included in this submission, stating that they have no objection to the vacation of the easement on owner's property. Therefore, this easement is no longer needed for public purposes.
- b. All utilities will be relocated pursuant to a relocation plan and the owners of the utility facilities have consented to the vacation. Applicant has provided letters of no objection from TECO, AT&T, FPL, Comcast, and the City's Public Works Department. A new utility easement is proposed that will be located around the perimeter of the affected parcels.

SECTION 3. That the easement described below and legally described in Exhibit "A" attached hereto and incorporated herein, is hereby vacated and shall no longer constitute an easement for utilities, subject to the conditions provided in SECTION 4 of this resolution:

A PORTION OF THE EXISTING 14-FOOT RETAINED UTILITY EASEMENT, DESCRIBED IN OFFICIAL RECORDS BOOK 17411, PAGE 610, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

More particularly described in Exhibit "A" attached herein and incorporated herein.

Location: West of Southwest 3rd Avenue, north of Southwest 2nd

SECTION 4. That the vacation of the easement shall not be effective until the applicant demonstrates compliance with the following conditions below and the requirements in SECTION 5 of this Resolution are met:

1. Any 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.

SECTION 5. This Resolution shall be in full force and effect on the date that a certificate is executed by the City Engineer and recorded by the applicant at the applicant's expense, in the public records of Broward County, Florida. The aforementioned certificate will be recorded only after the applicant has complied with all of the conditions herein and the certificate shall state that all conditions of the vacation have been met. The applicant must provide a copy of the recorded certificate to the City Clerk.


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.

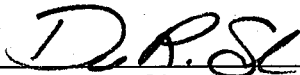
SECTION 8. Any resolutions or parts of resolutions in conflict herewith are hereby repealed, to the extent of such conflict.

SECTION 9. If any section, sentence, clause, or phrase of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

ADOPTED this 19th day of September, 2023.

A handwritten signature in black ink, appearing to read "D. J. [unclear]", is written over the bottom right portion of the page.

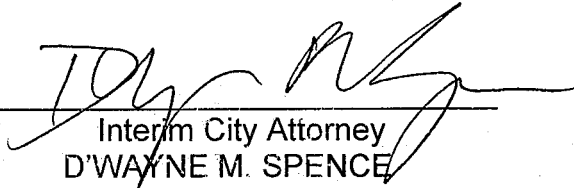
ATTEST:



City Clerk

DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:



Interim City Attorney
D'WAYNE M. SPENCE

Dean J. Trantalis

Yea

John C. Herbst

Yea

Steven Glassman

Yea

Pamela Beasley-Pittman

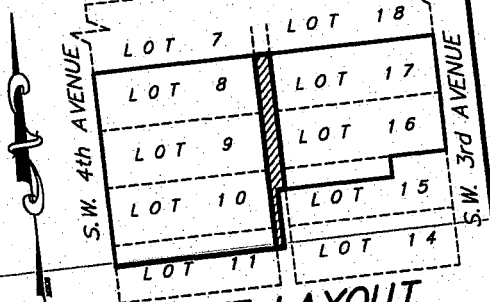
Yea

Warren Sturman

Yea

SCALE 1" = 40'

**SKETCH AND DESCRIPTION
TO ACCOMPANY VACATION PETITION
UTILITY EASEMENT IN BLOCK 17,
TOWN OF FORT LAUDERDALE
(P.B. "B", PG. 40, D.C.R.)**



**SITE LAYOUT
NOT TO SCALE**

LEGEND:
D.C.R. = DADE COUNTY RECORDS
P.B. = PLAT BOOK
PG. = PAGE
O.R. = OFFICIAL RECORDS BOOK

NOTES:

- 1) This sketch reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements, road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Legal description prepared by McLaughlin Engineering Co.
- 3) This drawing is not valid unless sealed with an appropriate surveyors' seal.
- 4) THIS IS NOT A BOUNDARY SURVEY.
- 5) Bearings shown assume the West line of Lots 15 to 17, 00°00'00" East.

LEGAL DESCRIPTION:

The West one-half (W 1/2) of that certain Vacated 14.00 foot Platted Alley and retained as a Utility Easement, per Official Records Book 17411, Page 610, Broward County Records, in Block 17, TOWN OF FORT LAUDERDALE, according to the plat thereof, as recorded in Plat Book "B", Page 40, of the public records of Dade County, Florida, East of and adjacent to the North 18.00 feet of Lot 11 and the West one-half (W 1/2) of said Vacated Alley, East of and adjacent to Lot 10, lying South of the Westerly extension of the South line of the North 18.00 feet of Lot 15, of said Block 17; AND all of said Vacated Alley, lying North of and adjacent to the Westerly extension of the South line of the North 18.00 feet of Lot 15; AND ALSO all of said Vacated Alley lying West of and adjacent to Lots 16 and 17 of said Block 17.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 2,002 square feet or 0.0460 acres more or less.

CERTIFICATION

Certified Correct. Dated at Fort Lauderdale, Florida this 29th day of November, 2022.
Revised this 21st day of July, 2023.

MCLAUGHLIN ENGINEERING COMPANY

[Signature]
JERALD A. MCLAUGHLIN
Registered Land Surveyor No. 5269
State of Florida.

DRAWN BY *[Signature]*