

ORDINANCE NO. C-24-30

AN ORDINANCE VACATING THAT CERTAIN 16 FOOT ALLEY RIGHT-OF-WAY LYING BETWEEN LOTS 1 AND 2, BLOCK D-13, "DIXIE CUT-OFF SECTION CROISSANT PARK" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 5 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED WEST OF SOUTHEAST 6TH AVENUE, NORTH OF SOUTHEAST 30TH STREET, EAST OF SOUTHEAST 4TH AVENUE AND SOUTH OF SOUTHEAST 29TH STREET, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, Local Equity Three, LLC, applied for the vacation of a public right-of-way more particularly described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the Planning and Zoning Board, at its meeting of April 17, 2024 (PZ Case No. UDP-V23003), recommended to the City Commission of the City of Fort Lauderdale ("City Commission") that they approve the application for the vacation of a public right-of-way as more particularly described and shown on Exhibit "A" attached hereto, subject to the conditions listed on Exhibit "B" attached hereto and incorporated herein; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, June 18, 2024, at 6:00 o'clock P.M., and Tuesday, July 2, 2024, at 6:00 o'clock P.M. before the City Commission at the Horvitz Auditorium NSU Art Museum located at 1 East Las Olas Boulevard, Fort Lauderdale, Florida, for the purpose of hearing any public comment to the vacation of the right-of-way; and

WHEREAS, such public hearings were 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 in Section 47-24.6.A.4 of the City of Fort Lauderdale Unified Land Development Regulations;

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

SECTION 1. The City Commission finds that the application for vacation of a right-of-way meets the criteria of Section 47-24.6 of the ULDR as enunciated and memorialized in the minutes of its meetings of June 18, 2024 and July 2, 2024, a portion of those findings expressly listed as follows:

- a. The portion of the right-of-way to be vacated is not in use by the surrounding property owners and is not used for its dedicated public purpose as a public highway.
- b. Alternate routes are not necessary. The right-of-way is not used by surrounding property owners and there will be no adverse impacts to the surrounding area due to the vacation of the right-of-way.
- c. The right-of-way to be vacated is a dead-end street with its only connection to another right-of-way being Prospect Road to the south. The right-of-way vacation eliminates the dead-end condition and therefore eliminates the need for vehicles to turn around and exit the area.
- d. The applicant has obtained letters of no objection with conditions from franchise utilities and the City's Public Works Department. The City conditions the approval of the vacation of right-of-way on to address the requests from the utilities including requiring the Applicant to grant a utility and access easement over the vacated right-of-way.

SECTION 2. That the public right-of-way located west of Southeast 6th Avenue, north of Southeast 30th Street, east of Southeast 4th Avenue and south of Southeast 29th Street, as more particularly described in Exhibit "A" attached hereto, is hereby vacated, abandoned, and closed and shall no longer constitute a public right-of-way, subject to conditions listed on Exhibit "B" attached hereto and incorporated herein.

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, 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 upon the recordation in the public records of Broward County, Florida, of a certificate executed by the City Engineer evidencing that all conditions listed on Exhibit "B" attached hereto have been met. The applicant shall provide a copy of the recorded certificate to the City.

PASSED FIRST READING this 18th day of June, 2024.

PASSED SECOND READING this _____ day of _____, 2024.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

M D O.K.

SKETCH AND LEGAL DESCRIPTION

GENERAL NOTES:

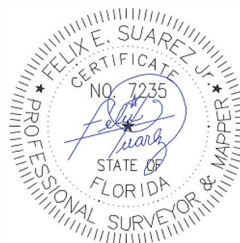
1. The legal description shown hereon was prepared by the surveyor.
2. 3TCI, Inc. License Business Number is LB No.7799.
3. This Sketch to Accompany Legal Description or copies thereof are not valid without the original signature and seal of a Florida Licensed Surveyor And Mapper - 5J-17.051(3)(e).
4. It is a violation of Rule 5J-17 of the Florida Administrative Code to alter this Sketch To Accompany Legal Description without the express prior written consent of the surveyor. Additions and deletions made to the face of this sketch to accompany legal description will make this document invalid.
5. Bearings are based on the center line of S.E. 30th St. with an assumed bearing of S89°10'39"W.
6. The parcel geometry and location shown hereon were provided by the client.
7. Lot information was obtained from the Public Records of Broward County Property Appraiser's website.
8. All dimensions are calculated (THIS IS NOT A SURVEY).
9. All documents referenced hereon are recorded in the Public Records of Broward County, Florida.
10. This Sketch to Accompany Legal Description does not constitute a Boundary Survey.
11. This Sketch to Accompany Legal Description meets the intent of the applicable provisions of the Standards of practice for Land Surveying in the State of Florida", pursuant to Rule (5J17.050 through 5J-17.052) of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

INDEX

SHEET 1 OF 2 SURVEY NOTES
SHEET 2 OF 2 EXHIBIT A
LEGAL DESCRIPTION

This document consists of two (2) sheets and will not be considered valid, full or complete without sheet 2 of 2

THIS IS NOT A SURVEY



2024.06.14
15:21:18 -04'00'
2024.002.20759

Felix E. Suarez Jr. (FOR THE FIRM)
Professional Surveyor And Mapper
Registration No. 7235
State of Florida

ALLEY VACATION

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

PREPARED BY:

3TCI, Inc. LB7799
PROFESSIONAL LAND SURVEYORS AND MAPPERS
12211 SW 129th CT. MIAMI FL 33186
tel: 305-316-8474 fax: 305-378-1662 www.3tci.com

475 SE 30 ST FORT LAUDERDALE FL 33316

BY DATE SECTION 22, TOWNSHIP 50 S., RANGE 42 E.

DRAWN FS 03-09-2023

CHECKED FES 03-09-2023

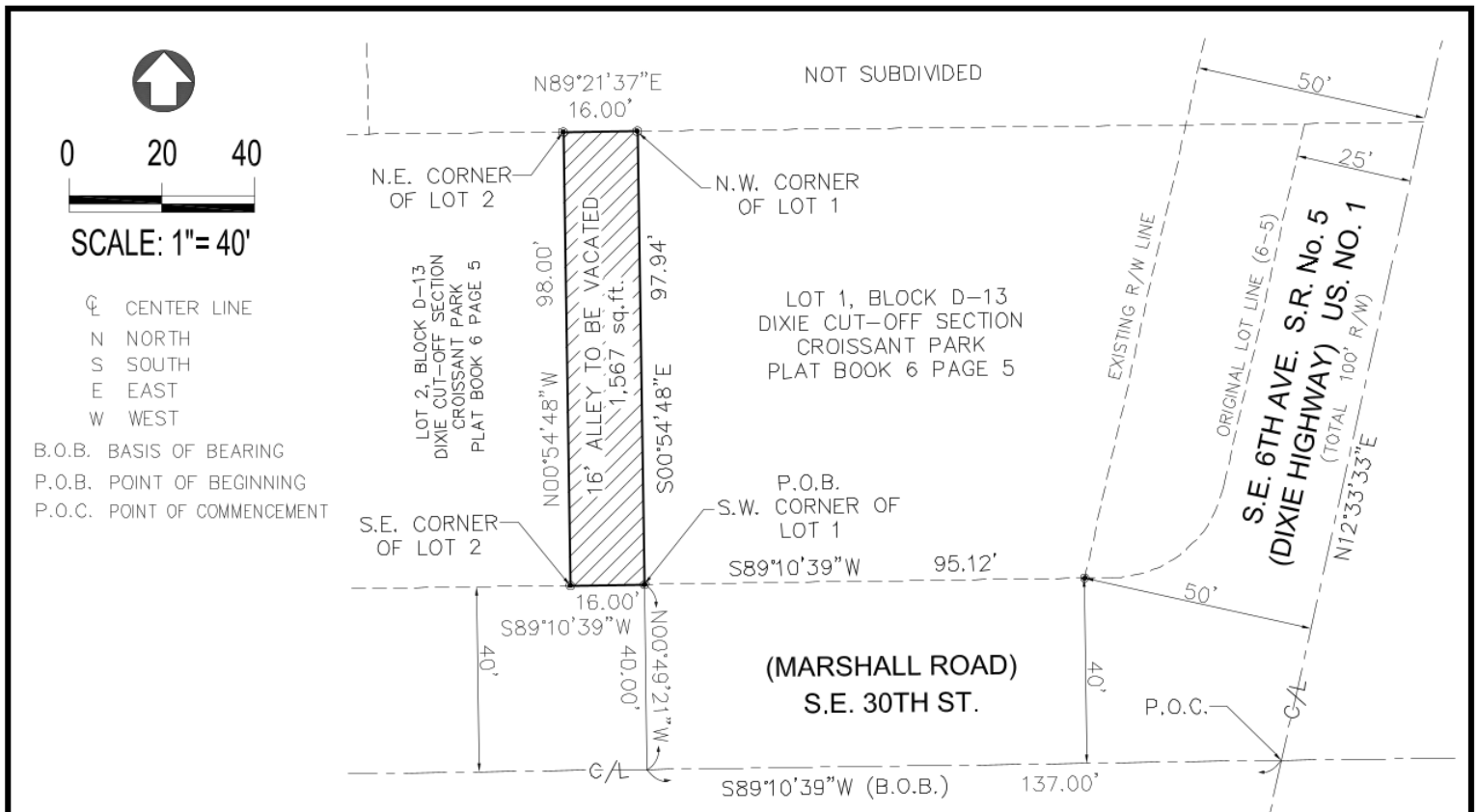
SURVEY NOTES

PARCEL: 504222070810 BROWARD COUNTY, FLORIDA SHEET 1 OF 2

Exhibit "A"

SKETCH AND LEGAL DESCRIPTION

M.D.O.K.



Commence at the intersection of S.E. 30th Street with S.E. 6th Avenue, also known as Dixie Highway or US No. 1, Thence S89°10'39"W along said center line of S.E. 30th Street for a distance of 137.00 feet to a point, thence N00°49'21"W for a distance of 40.00 feet perpendicular to a point located on the North Right-of-Way line of said S.E. 30th Street, this point also known as the S.W. corner of lot 1, Block D-13 of DIXIE CUT-OFF SECTION CROISSANT PARK, according to the plat thereof, as recorded in Plat Book 6, Page 5 of the Public Records of Broward County, Florida, this point also known as the Point of Beginning, thence S89°10'39"W for a distance of 16.00 feet to the S.E. corner of Lot 2, thence N00°54'48"W for a distance of 98.00 feet to the N.E. corner of said Lot 2, thence N89°21'37"E for a distance of 16.00 feet to the N.W. corner of said Lot 1, thence S00°54'48"E for a distance of 97.94 feet to the Point of Beginning.

Said lands lying in Broward County, Florida and containing 1,567 square feet, more or less.

This document consists of two (2) sheets and will not be considered valid, full or complete without sheet 1 of 2

THIS IS NOT A SURVEY

ALLEY VACATION SKETCH TO ACCOMPANY LEGAL DESCRIPTION

PREPARED BY:

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475 SE 30 ST FORT LAUDERDALE FL 33316

	BY	DATE	SECTION 22, TOWNSHIP 50 S., RANGE 42 E.
DRAWN	FS	03-09-2023	LEGAL DESCRIPTION
CHECKED	FES	03-09-2023	

PARCEL: 504222070810

BROWARD COUNTY, FLORIDA

SHEET 2 OF 2

CAM # 24-0641

EXHIBIT "B"

**CONDITIONS OF APPROVAL
CASE NO. UDP-V23003**

1. Any city infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant; or a utilities easement shall be retained over the right-of-way area or portion thereof; or a utilities easement shall be provided in a different location to the satisfaction of the City; or any combination of same and utilities maintenance shall not be disrupted. Any relocated facilities or facilities provided in a different location shall be required to be inspected and accepted by the 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; or a utilities easement shall be retained over the right-of-way area or portion thereof; or a utilities easement shall be provided in a different location to the satisfaction of the City; or any combination of same and utilities maintenance shall not be disrupted. and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider; and
3. The vacating 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.