

RESOLUTION NO. 22-205

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF A 14.00 FOOT UTILITY EASEMENT RETAINED BY ORDINANCE NO. C-89-94 RECORDED IN OFFICIAL RECORDS BOOK 17411, PAGE 610, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS A PORTION OF A 14.00 FOOT ALLEY ADJACENT TO LOTS 1 THROUGH 7 AND LOTS 18 THROUGH 24, BLOCK 17 "TOWN OF FORT LAUDERDALE" ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK "B", PAGE 40 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED NORTH OF SOUTHWEST 2<sup>ND</sup> STREET, SOUTH OF WEST BROWARD BOULEVARD, EAST OF SOUTHWEST 4<sup>TH</sup> AVENUE AND WEST OF SOUTHWEST 3<sup>RD</sup> AVENUE, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, under the provisions of Section 47-24.7 of the City of Fort Lauderdale, Florida Unified Land Development Regulations (hereinafter "ULDR"), FTL/AD, LTD., is applying for the vacation of a portion of a utility easement (Case No. UDP-EV21010) retained by Ordinance No. C-89-94 recorded in Official Records Book 17411, Page 610 of the Public Records of Broward County, Florida, more fully described in SECTION 2 below, located north of Southwest 2<sup>nd</sup> Street, south of West Broward Boulevard, east of Southwest 4<sup>th</sup> Avenue and west of Southwest 3<sup>rd</sup> Avenue, Fort Lauderdale, Florida; and

WHEREAS, pursuant to the provisions of the aforementioned 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 Development Services Department has made the required reports and has also recommended the vacation of the easement, certifying that the same will not be required to serve the property;

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

SECTION 1. 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 of September 6, 2022, a portion of those findings expressly listed as follows:

1. The easement will no longer be needed since the applicant will be relocating the existing overhead lines within a new easement along the western and southern property lines. No other utilities exist. The Relocation Plan is attached as Exhibit 5.
2. The existing overhead lines will be relocated. The applicant has obtained letters of no objection from utility providers who have rights to place utilities in the easement: City of Fort Lauderdale Public Works, AT&T, FP&L, and TECO Gas.

SECTION 2. That the below described easement is hereby vacated and shall no longer constitute easements for utilities, and utility and roadway, subject to the conditions provided in SECTION 3 of this resolution:

A PORTION OF A 14.00 FOOT UTILITY EASEMENT RETAINED BY ORDINANCE NO. C-89-94 RECORDED IN OFFICIAL RECORDS BOOK 17411, PAGE 610, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS A PORTION OF A 14.00 FOOT ALLEY ADJACENT TO LOTS 1 THROUGH 7 AND LOTS 18 THROUGH 24, BLOCK 17 "TOWN OF FORT LAUDERDALE" ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK "B", PAGE 40 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA

More particularly described in Exhibit "A" attached.

Location: North of Southwest 2<sup>nd</sup> Street, south of West Broward Boulevard, east of Southwest 4<sup>th</sup> Avenue and west of Southwest 3<sup>rd</sup> Avenue

SECTION 3. That the vacation of the easement shall not be effective until the applicant demonstrates compliance with the following conditions:

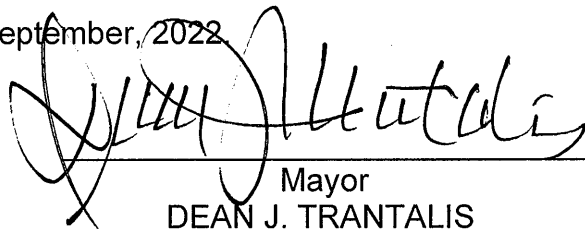
1. Any utilities unknown found to be within the easement shall be relocated pursuant to a relocation plan at the expense of the applicant, and an easement in a different location shall be provided by the owner to the satisfaction of the city. The relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider; and,
2. The vacating resolution 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. This certificate shall state that all conditions of the vacation have been met. A copy of the recorded certificate must be provided to the City.

SECTION 4. That a copy of this Resolution shall be recorded in the Public Records of Broward County within 30 days from the date of final passage.


SECTION 5. 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 6. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

ADOPTED this 6<sup>th</sup> day of September, 2022

  
 Mayor  
 DEAN J. TRANTALIS

ATTEST:

  
 City Clerk  
 DAVID R. SOLOMAN

Dean J. Trantalis	<u>Yea</u>
Heather Moraitis	<u>Yea</u>
Steven Glassman	<u>Yea</u>

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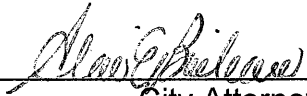
APPROVED AS TO FORM:

Robert L. McKinzie

Not Present

Ben Sorensen

Yea



\_\_\_\_\_  
City Attorney  
ALAIN E. BOILEAU

M.O.O.K.

### EXHIBIT "A"

#### LEGAL DESCRIPTION: Vacation of the retained 14 foot Utility Easement described in Section 2, Official Records Book 17411, Page 610.

A portion of a 14 foot Alley, lying adjacent to Lots 1, 2, 3, 4, 5, 6, 7, 18, 19, 20, 21, 22, 23 and 24, in Block 17, TOWN OF FORT LAUDERDALE, according to the Plat thereof, as recorded in Plat Book B at Page 40 of the Public Records of Dade County, Florida, said 14 foot Alley vacated by Ordinance No. C-89-94 as recorded in Official Records Book 17411 at Page 610 of the Public Records of Broward County, Florida and being more particularly described as follows:

Begin at the Southwest corner of said Lot 18; thence N 00°07'12" W along the West line of said Lots 18, 19, 20, 21, 22, 23 and 24, also being the East line of said 14 foot Alley for 331.54 feet to a point on a circular curve concave to the Southwest and whose radius point bears S 02°13'37" W; thence Northwesterly along a 4643.54 foot radius curve leading to the left through a central angle of 00°10'22" for an arc distance of 14.00 feet to a point on a non-tangent line; thence S 00°07'12" E along the East line of said Lots 1, 2, 3, 4, 5, 6 and 7, also being the West line of said 14 foot Alley for 332.06 feet to the Southeast corner of said Lot 7; thence S 89°59'02" E along the Easterly extension of the South line of said Lot 7, also being the Westerly extension of the South line of said Lot 18 for 14.00 feet to the Point of Beginning.

#### SURVEYOR'S NOTES:

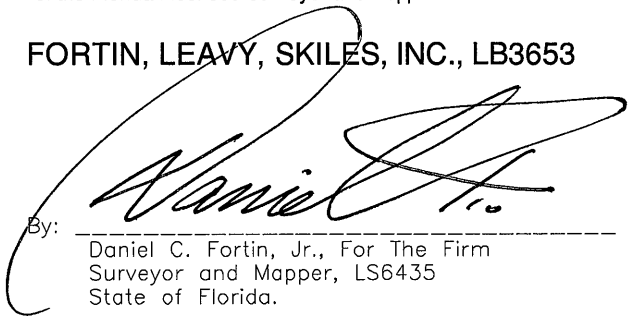
- This site lies in Section 10, Township 50 South, Range 42 East, City of Fort Lauderdale, Broward County, Florida.
- Bearings hereon are referred to an assumed value of N 00°07'12" W for the East right of way line of S.W. 4th Avenue.
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch #2021-080-1.

#### SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on June 17, 2022, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and original raised seal or a digital signature of the Florida Licensed Surveyor and Mapper shown below"

**FORTIN, LEAVY, SKILES, INC., LB3653**

By: 

-----  
 Daniel C. Fortin, Jr., For The Firm  
 Surveyor and Mapper, LS6435  
 State of Florida.

Drawn By	MAP
Cad. No.	210969
Ref. Dwg.	2021-080-1
Plotted:	6/17/22 12:39a

**LEGAL DESCRIPTION, NOTES & CERTIFICATION**

**FORTIN, LEAVY, SKILES, INC.**  
**CONSULTING ENGINEERS, SURVEYORS & MAPPERS**  
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653  
 180 Northeast 168th. Street / North Miami Beach, Florida. 33162  
 Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	6/17/22
Scale	NOT TO SCALE
Job. No.	210969
Dwg. No.	1021-068
Sheet	1 of 3

m.D.o.k.

# EXHIBIT "A"

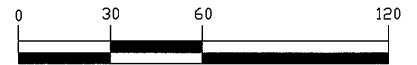
# WEST BROWARD BOULEVARD

(STATE ROAD #842)

(NORTH FORTH STREET - PLAT)

(PUBLIC RIGHT OF WAY)

## GRAPHIC SCALE



( IN FEET )  
1 inch = 60 ft.

CENTERLINE OF CONSTRUCTION  
 FLORIDA DEPARTMENT OF TRANSPORTATION  
 RIGHT OF WAY MAP  
 SECTION 86006-2501  
 REV. DATE 2/24/92

NORTH LINE OF  
 SECTION 10-52-42

NORTH LINE OF BLOCK 17  
 SOUTH RIGHT OF WAY LINE  
 OF BROWARD BOULEVARD

A=0°10'22"  
 R=4643.54'  
 L=14.00'

S02°13'37"W  
 (RADIAL)

**LEGEND:**  
 A=CURVE ANGLE  
 R=CUREVE RADIUS  
 L=CURVE LENGTH

**S.W. 4TH AVENUE**  
 (CUNNINGHAM AVENUE - PLAT)  
 (PUBLIC RIGHT OF WAY)

EAST RIGHT OF WAY LINE  
 OF S.W. 4TH AVENUE

N00°07'12"W

**BLOCK 17**  
 TOWN OF FORT LAUDERDALE  
 PLAT BOOK B PAGE 40  
 DADE COUNTY RECORDS

**TO BE VACATED**  
 14' EASEMENT  
 ORDINANCE NO. C-89-94  
 OFFICIAL RECORDS BOOK 17411 PAGE 610

**14' ALLEY**

**S.W. 3RD AVENUE**  
 (NUGENT AVENUE - PLAT)  
 (PUBLIC RIGHT OF WAY)

LOT 1

LOT 24

LOT 2

LOT 23

LOT 3

LOT 22

LOT 4

LOT 21

LOT 5

LOT 20

LOT 6

LOT 19

LOT 7

LOT 18

LOT 8

LOT 17

S.E. CORNER  
OF LOT 7

**POINT OF  
 BEGINNING**  
 S.W. CORNER OF LOT 18

SOUTH LINE  
 OF LOT 7

SOUTH LINE  
 OF LOT 18

332.06'

331.54'

S00°07'12"E

N00°07'12"W

S89°59'02"E  
 14.00'



Drawn By	MAP
Cad. No.	210969
Ref. Dwg.	2021-080-1
Plotted:	6/17/22 12:39a

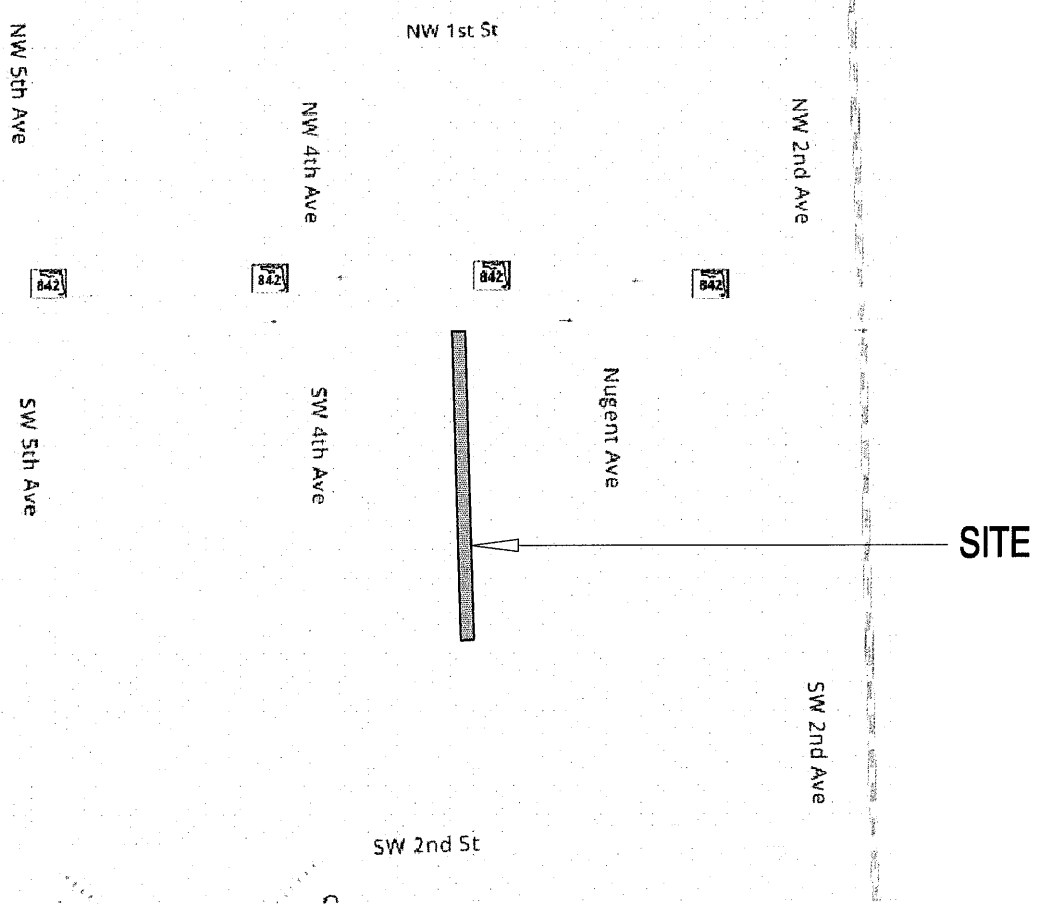
## SKETCH OF DESCRIPTION

**FORTIN, LEAVY, SKILES, INC.**  
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS  
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653  
 180 Northeast 168th. Street / North Miami Beach, Florida. 33162  
 Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	6/17/22
Scale	1"=60'
Job. No.	210969
Dwg. No.	1021-068
Sheet	2 of 3

M.P. O.K.

# EXHIBIT "A"



*ML*

Drawn By	MAP
Cad. No.	210969
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**LOCATION SKETCH**

**FORTIN, LEAVY, SKILES, INC.**  
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