

ORDINANCE NO. C-22-

AN ORDINANCE AMENDING ORDINANCE NO. C-21-37 OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF NORTHEAST 5TH TERRACE (18TH STREET PER PLAT) 40.00 FOOT RIGHT OF WAY LYING WEST OF LOTS 32 THROUGH 36, BLOCK 313, AND LYING EAST OF LOTS 13 THROUGH 17, BLOCK 314, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED NORTH OF NORTHEAST 6TH STREET, SOUTH OF NORTHEAST 7TH STREET, EAST OF NORTHEAST 5TH AVENUE AND WEST OF FEDERAL HIGHWAY (STATE ROAD 5), ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, TO REMOVE AND REPLACE EXHIBIT "B" ENTITLED "CONDITIONS OF APPROVAL – CASE NO. UPD-V21001" ATTACHED THERETO AND INCORPORATED THEREIN.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, adopted Ordinance No. C-21-37 on December 21, 2021, granting the applicant, Flagler Sixth LLC's application for vacation of a public right-of-way, subject to the conditions of approval listed on Exhibit "B" attached thereto and made a part thereof; and

WHEREAS, applicant is seeking to revise the conditions of approval set forth on Exhibit "B" to Ordinance No. C-21-37 to address an existing City of Fort Lauderdale utility found to be located within the Northeast 5th Terrace right-of-way which City staff has determined cannot be relocated; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, June 21, 2022, at 6:00 o'clock P.M., and Tuesday, July 5, 2022, 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 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

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

SECTION 1. Exhibit "B" of Ordinance No. C-21-37 shall be replaced in its entirety by Exhibit "A" attached hereto and made a part hereof and shall be referenced as Revised Exhibit "B" when attached to Ordinance No. C-21-37.

SECTION 2. Except as modified by this ordinance, Ordinance No. C-21-37 shall remain unmodified and shall be in full force and effect in accordance with the terms and conditions thereof.

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 ____ day of _____, 2022.

PASSED SECOND READING this ____ day of _____, 2022.

Mayor
DEAN J. TRANTALIS

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ATTEST:

City Clerk
DAVID R. SOLOMAN

EXHIBIT "A"

**CONDITIONS OF APPROVAL
CASE NO. UDP-V21001**

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.
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 by the applicant to the City.