

RESOLUTION NO. 23-68

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A RETAINED 10.00 FOOT UTILITY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 10903, PAGE 821, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID EASEMENT BEING A PORTION OF A 10.00 FOOT ALLEY ADJACENT TO LOTS 34, 35, 36, 37, 38 AND 39, BLOCK 19, "BRYAN'S SUBDIVISION OF BLOCKS 5, 8 & 19" ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED NORTH OF SOUTHWEST 2ND STREET, SOUTH OF WEST BROWARD BOULEVARD, EAST OF SOUTHWEST 6TH AVENUE AND WEST OF SOUTHWEST 5TH AVENUE, 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, 520 Broward (Fort Lauderdale) Owner for the vacation of a 10-foot wide utility easement (Case No. UDP-EV22003), more fully described in SECTION 2 below, located north of Southwest 2nd Street, south of West Broward Boulevard, east of Southwest 6th Avenue and west of Southwest 5th 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 City Engineer has certified that there is no objection to the vacation; and

WHEREAS, the Development Services Department has made the required report 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. 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 of March 23, 2023, a portion of those findings expressly listed as follows:

- a. The easement is no longer needed for public purposes. Utilities will be relocated on the property. The project site is proposed to be completely redeveloped.
- b. All utilities currently located within the easement area will be relocated pursuant to a relocation plan developed in coordination with the affected franchise utility company. The applicant has obtained letters of no objection from the providers who have rights to place utilities in the easement: City of Fort Lauderdale Public Works Department, AT&T, FP&L, TECO Gas, and Comcast Cable.

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

A RETAINED 10.00 FOOT UTILITY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 10903, PAGE 821, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID EASEMENT BEING A PORTION OF A 10.00 FOOT ALLEY ADJACENT TO LOTS 34, 35, 36, 37, 38 AND 39, BLOCK 19, "BRYAN'S SUBDIVISION OF BLOCKS 5, 8 & 19" ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA

More particularly described in Exhibit "A" attached

Location: North of Southwest 2nd Street, south of West Broward Boulevard, east of Southwest 6th Avenue and west of Southwest 5th Avenue

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 City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and easements will be dedicated at the new location, and the relocated facilities shall be required to be inspected and accepted by the City's 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, and easements will be dedicated at the new location, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider.
3. The applicant shall record a copy of this Resolution in the Public Records of Broward County at the applicant's expense, within 30 days from the date of final passage, and the applicant shall provide the City Clerk with a copy of the recorded Resolution.

SECTION 5. This 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.

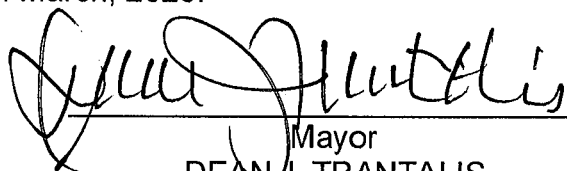
SECTION 6. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain 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.

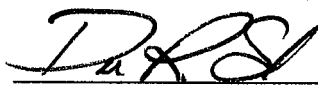
SECTION 9. If any section, sentence, clause, or phrase of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

ADOPTED this 23rd day of March, 2023.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM:



Interim City Attorney
DWAYNE M. SPENCE

Dean J. Trantalis Yea

John C. Herbst Yea

Steven Glassman Yea

Pamela Beasley-Pittman Yea

Warren Sturman Yea

m.d.ok

LEGAL DESCRIPTION:

A portion of a 10 foot Alley, lying adjacent to Lots 34, 35, 36, 37, 38 and 39, Block 19, BRYAN'S SUBDIVISION OF BLOCKS 5, 8 & 19, according to the Plat thereof, as recorded in Plat Book 1 at Page 18 of the Public Records of Dade County, Florida, said 10 foot Alley vacated, and retained as a 10 foot Utility Easement by Ordinance No. C-83-60 as recorded in Official Records Book 10903 at Page 821 of the Public Records of Broward County, Florida and being more particularly described as follows:

Begin at the Southwest corner of said Lot 39; thence N 00°07'12" W along the West line of said Lots 37, 38 and 39, also being the East line of said 10 foot Utility Easement for 135.00 feet; thence N 89°59'02" W along the South right of way line of West Broward Boulevard for 10.00 feet; thence S 00°07'12" E along the East line of said Lots 34, 35 and 36, also being the West line of said 10 foot Utility Easement for 135.00 feet to the Southeast corner of said Lot 34; thence S 89°59'02" E along the Easterly extension of the South line of said Lot 34, also being the Westerly extension of the South line of said Lot 39 for 10.00 feet to the Point of Beginning.

SURVEYOR'S NOTES:

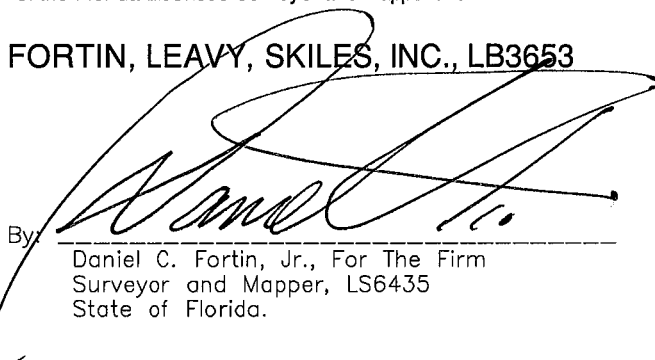
- This site lies in Section 10, Township 50 South, Range 42 East, City of Fort Lauderdale, Broward County, Florida.
- All documents are recorded in the Public Records of Broward County, Florida unless otherwise noted.
- Bearings hereon are referred to an assumed value of N 00°07'12" W for the East right of way line of S.W. 6th 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 July 11, 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:	10/22/22 10:55a

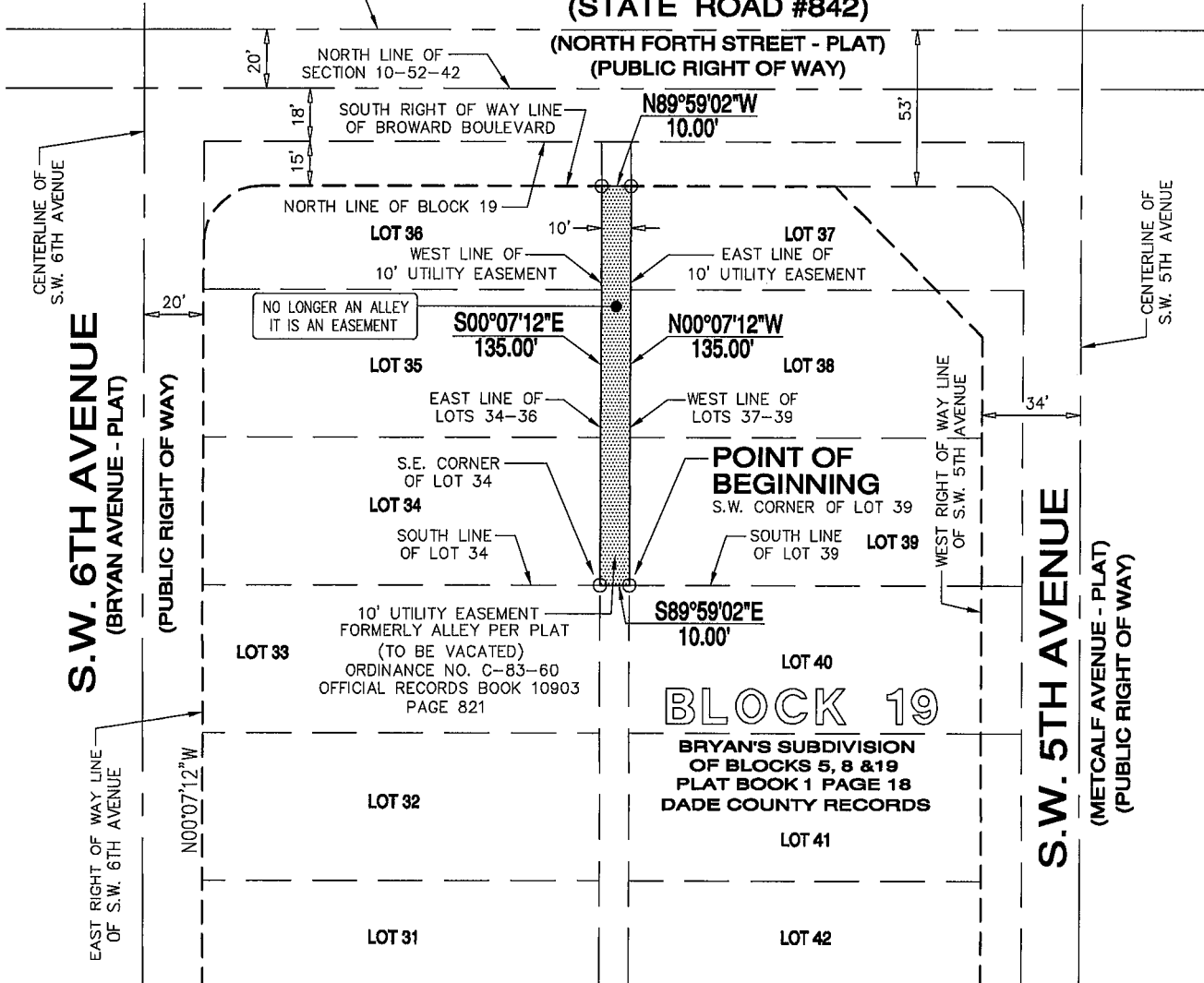
LEGAL DESCRIPTION, NOTES & CERTIFICATION

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@flsurvey.com

Date	7/11/22
Scale	NOT TO SCALE
Job. No.	220537
Dwg. No.	1021-068-1
Sheet	1 of 3

CENTERLINE OF CONSTRUCTION
FLORIDA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
SECTION 86006-2501
(SHEET 16 OF 22)
DATED 12/14/17

WEST BROWARD BOULEVARD (STATE ROAD #842)



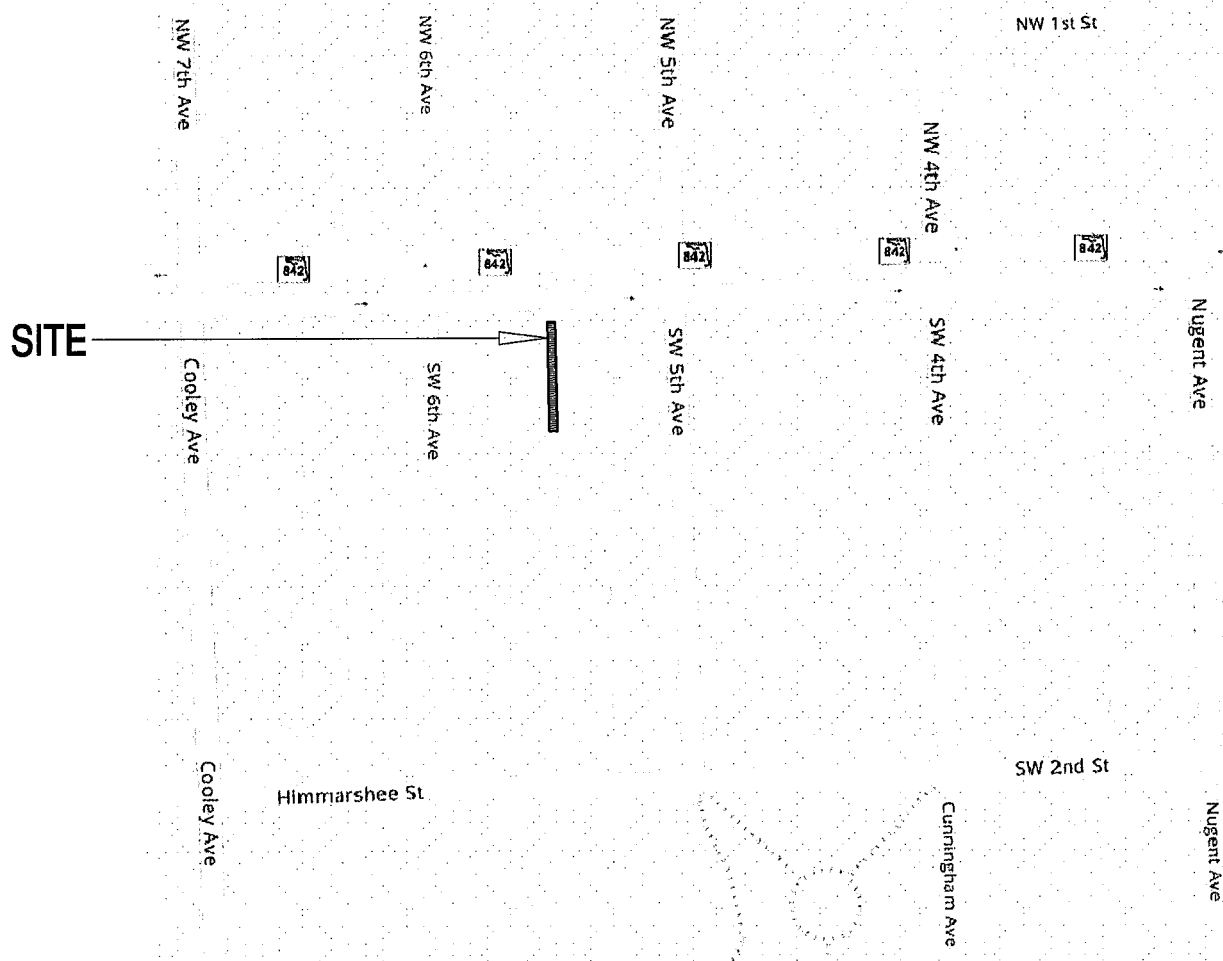
SKETCH OF DESCRIPTION

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

Drawn By MAP
Cad. No. 210969
Ref. Dwg. 2021-080-1
Plotted: 10/22/22 10:55a

Date 7/11/22
Scale 1"=60'
Job. No. 220537
Dwg. No. 1021-068-1
Sheet 2 of 3

m. D. K.



[Handwritten signature]

Drawn By	MAP
Cad. No.	210969
Ref. Dwg.	2021-080-1
Plotted:	10/22/22 10:55a

LOCATION SKETCH

FORTIN, LEAVY, SKILES, INC.

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Scale	NOT TO SCALE
Job. No.	220537
Dwg. No.	1021-068-1
Sheet	3 of 3