

2-3-15
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REVISED
RESOLUTION

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE DEFERRING INDEFINITELY THE *DE NOVO* HEARING OF THE CROWN CASTLE NG EAST, INC. APPEAL FROM THE CITY ENGINEER'S DENIAL OF RIGHT-OF-WAY PERMITS FOR THE INSTALLATION OF UTILITY POLES, GROUND MOUNTED CABINETS AND DISTRIBUTED ANTENNA SYSTEMS AND RESETTING OF THE HEARING UPON THIRTY DAYS ADVANCE WRITTEN NOTICE BY EITHER PARTY IN THE EVENT THE PERMITS, TOGETHER WITH CONDITIONS, ARE NOT ISSUED BEFORE HAND; PROVIDING FOR DISMISSAL OF THE APPEAL IN THE EVENT THE PERMITS, TOGETHER WITH CONDITIONS, ARE ISSUED PRIOR TO HEARING A RECONVENED *DE NOVO* APPEAL; REPEALING ANY AND ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to City Code Sec. 25-100.1, Crown Castle NG East, Inc. submitted Applications 13-10, 13-04, 13-05, 13-06, 13-07, 13-09, 13-11 and 13-12 for right-of-way permits for installation of utility poles, ground mounted cabinets and Distributed Antenna Systems; and

WHEREAS, on August 27, 2013, the City Engineer, through his designee, issued a letter formally denying the foregoing Applications for right-of-way permits; and

WHEREAS, pursuant to Section 25-100.2 of the City of Fort Lauderdale Code of Ordinances, the Applicant has appealed the decision of the City Engineer to the City Commission; and

WHEREAS, the parties have been negotiating settlement conditions for the issuance of the right-of-way permits for the above referenced Applications and have agreed, in principle, to a set of conditions acceptable, in principle, to both the City and the Applicant, with said conditions being subject to agreement on the draftsmanship thereof; and

WHEREAS, a *de novo* hearing on the Appeal, by Resolution No. 15-02 was scheduled to be heard before the City Commission on February 3, 2015; and

WHEREAS, in light of the progress being made in settlement discussions, Applicant has requested that the hearing of the appeal be deferred indefinitely while the parties agree on

the draftsmanship of the conditions attendant to issuance of right-of-way permits for the above referenced Applications and City staff is amenable to such deferral upon the terms set forth herein; and

WHEREAS, by concurrence of the Applicant and City staff, the indefinite deferral shall be conditioned upon either party calling up the *de novo* hearing before the City Commission on thirty (30) days advance written notice to the other provided that, in the event the right-of-way permits for the above Applications are issued, with conditions, prior to the hearing on the *de novo* review, then the appeal will become moot and shall be deemed dismissed;

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

SECTION 1. That the parties have reached substantial agreement on conditions to be attached to the subject right-of-way permits, subject to final acceptance of draftsmanship thereof.

SECTION 2. That the *de novo* hearing of the Crown Castle NG East, Inc. appeal from the City Engineer's denial of right-of-way permits for the installation of utility poles, ground mounded cabinets and Distributed Antenna Systems is hereby deferred indefinitely on the terms and conditions set forth herein.

SECTION 3. That this *de novo* appeal may be called up by either Crown Castle NG East, Inc. or City staff upon thirty (30) days advance written notice.

SECTION 4. In the event the subject right-of-way permits are issued with conditions acceptable to the parties prior to a reconvened *de novo* hearing on the appeal under Section 3 hereof, then the appeal will be moot and the appeal shall be deemed dismissed.

SECTION 5. That any prior Resolutions or parts thereof in conflict with this Resolution are hereby repealed.

SECTION 6. That this Resolution shall be in full force and effect immediately upon and after its passage.

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ADOPTED this the ____ day of _____, 2015.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH