

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THAT CERTAIN UTILITY EASEMENT RETAINED OVER A VACATED PLATTED ALLEY RESERVATION PER CITY OF FORT LAUDERDALE ORDINANCE NO. C-87-67, AS RECORDED IN OFFICIAL RECORDS BOOK 14933, PAGE 5 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LESS THE WEST 7.5 FEET OF LOTS 31 THROUGH 43, BLOCK 292 "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, FLORIDA, LOCATED NORTH OF NORTHEAST 7<sup>TH</sup> STREET, EAST OF NORTHEAST 5<sup>TH</sup> AVENUE, WEST OF NORTHEAST 5<sup>TH</sup> TERRACE AND SOUTH OF NORTHEAST 8<sup>TH</sup> STREET.

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WHEREAS, under the provisions of Section 47-24.7 of the Unified Land Development Regulations (hereinafter "ULDR") of the City of Fort Lauderdale, Florida, Flagler Village Land Trust is applying for the vacation of a utility easement (PZ Case No. E15002) more fully described in Section 1, below associated with the development known as Quantum at Flagler Village; 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 Department of Sustainable Development 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. That the below described easement is hereby vacated and shall no longer constitute an easement for utilities, subject to the conditions provided in SECTION 2 of this resolution:

THAT PORTION OF A 15-FOOT UTILITY EASEMENT RETAINED BY THE CITY OF FORT LAUDERDALE BY ORDINANCE NO. C-87-67, RECORDED IN OFFICIAL RECORDS BOOK 14933, AT PAGE 5 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LESS THE WEST 7.5 FEET OF LOTS 31 THROUGH 43, OF BLOCK 292, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, FLORIDA.

More particularly described in Exhibit A attached.

Location: North of Northeast 7<sup>th</sup> Street, East of Northeast 5<sup>th</sup> Avenue, West of Northeast 5<sup>th</sup> Terrace and South of Northeast 8<sup>th</sup> Street.

SECTION 2. That the vacation of the easement shall not be effective until the applicant demonstrates compliance with the following conditions:

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 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 the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider.

SECTION 3. 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 4. 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 5. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

ADOPTED this the \_\_\_\_ day of September, 2015.

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Mayor  
JOHN P. "JACK" SEILER

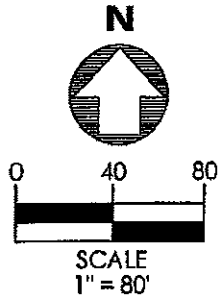
ATTEST:

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Senior Assistant City Clerk  
JEFFREY A. MODARELLI

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR CASE E15002 PORTION OF 15 FOOT UTILITY EASEMENT TO BE VACATED

M.D.  
O.R.



## LEGEND:

O.R.B. - OFFICIAL RECORDS BOOK  
P.B. - PLAT BOOK  
PG. - PAGE

## LEGAL DESCRIPTION OF PORTION OF A 15 FOOT UTILITY EASEMENT TO BE VACATED:

That portion of a 15 foot Utility Easement, as retained by the City of Fort Lauderdale by Ordinance No. C-87-67, recorded in Official Records Book 14933, at Page 5 of the Public Records of Broward County, Florida, and lying over a portion of Block 292 of "PROGRESSO", according to the Plat thereof, as recorded in Plat Book 2, at Page 18, of the Public Records of Miami-Dade County, being more particularly described as follows:

The West 7.5 feet of Lots 1 through 24, inclusive, in Block 292 of said Plat of "PROGRESSO";

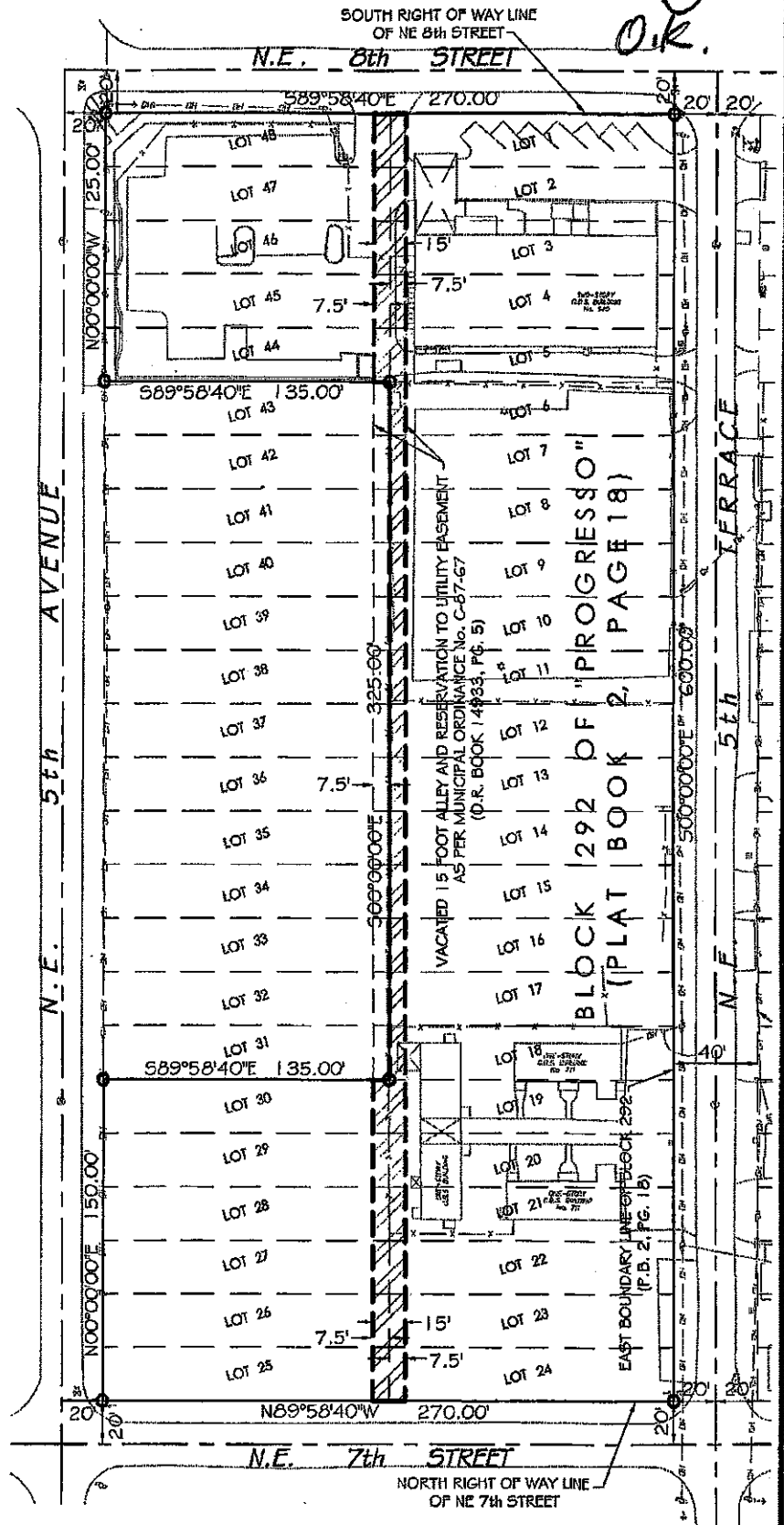
AND

The East 7.5 feet of Lots 25 through 30, inclusive, in Block 292 of said Plat of "PROGRESSO";

AND

The East 7.5 feet of Lots 44 through 48, inclusive, in Block 292 of said Plat of "PROGRESSO".

Said portion of 15 foot Utility Easement lying and being in Section 3, Township 52 South, Range 40 East, City of Fort Lauderdale, Broward County, Florida and containing 6,562 square feet, more or less, by calculations.



NOTICE: This document is not valid, full and complete without all pages.

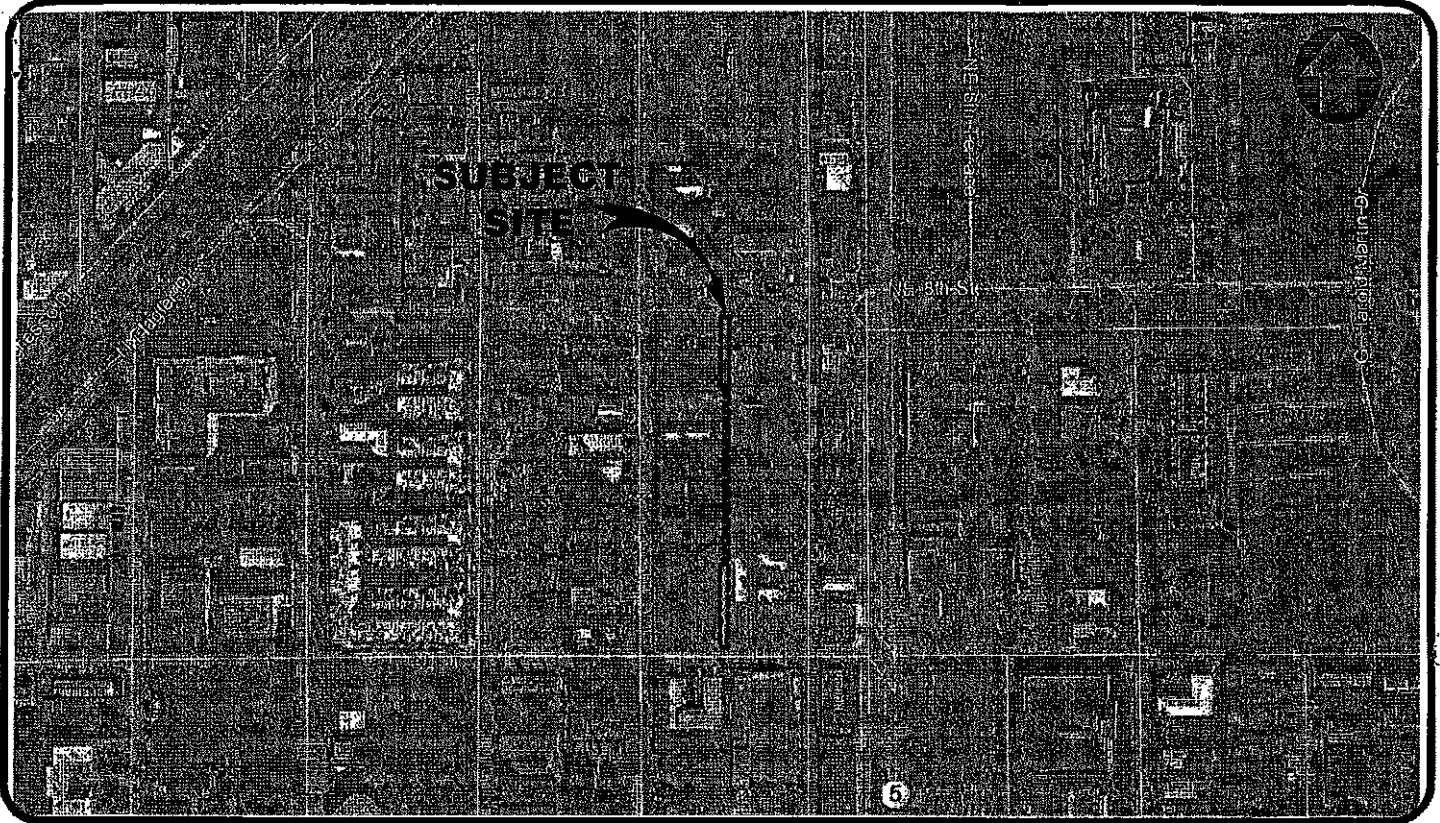
**LONGITUDE** SURVEYORS

7715 NW 48TH STREET, SUITE 310, DORAL, FLORIDA 33166 \* PHONE:(305)463-0912 \* FAX:(305)513-5680 \* WWW.LONGITUDESURVEYORS.COM

LA14087 NE 7th Street and North Federal Highway\dwg\Sketch and Legats\14087 SL Easement 04-08-15.dwg 4/9/2015 9:59:08 AM EBT

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SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR CASE E15002 *M.D.*  
PORTION OF 15 FOOT UTILITY EASEMENT TO BE VACATED *O.K.*



**LOCATION MAP**  
NOT TO SCALE

SOURCES OF DATA:

Plat of "PROGRESSO", recorded in Plat Book 2, at Page 18 of the Public Records of Miami-Dade County, Florida.  
Florida Department of Transportation Right of Way Map, for State Road No. 5 (North Federal Highway), Section 86020-2107, in Broward County, Sheet 2 of 12, last dated February 22, 2006.

Bearings as shown hereon are based upon the East Boundary Line of Block 292 with an assumed bearing of  $90^{\circ}00'00''E$ , said line to be considered a well established and monumented line.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than what appears on the underlying Plat of record. Please refer to the Limitations item with respect to possible restrictions of record and utility services.

LIMITATIONS:

Since no other information were furnished other than what is cited in the Sources of Data, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch or contained within this report that may be found in the Public Records of Miami-Dade or Broward Counties, Florida or any other public and private entities as their jurisdictions may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Sketch to Accompany Legal Description" and the Survey Map resulting therefrom was performed under my direction and is true and correct to the best of my knowledge and belief and further, that said "Sketch to Accompany Legal Description" meets the intent of the applicable provisions of the "Minimum Technical Standards for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 through 5J-17.052 of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

LONGITUDE SURVEYORS LLC., a Florida Limited Liability Company  
Florida Certificate of Authorization Number LB7335

By: *Jose Senas*  
Jose Senas, PSM, for the Firm  
Registered Surveyor and Mapper LS5938  
State of Florida

Date: *04/09/15*

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps by other than the signing party are prohibited without the written consent of the signing party.

NOTICE: This document is not valid, full and complete without all pages.

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