

ORDINANCE NO. C-15-

AN ORDINANCE VACATING A PORTION OF THE PLATTED NORTHEAST 5TH TERRACE BOUNDED ON THE WEST BY LOTS 6 THROUGH 24, BLOCK 292, BOUNDED ON THE EAST BY LOTS 25 THROUGH 43, BLOCK 293, AND BOUNDED ON THE NORTH BY A LINE BETWEEN THE NORTHWEST CORNER OF SAID LOT 43 AND THE NORTHEAST CORNER OF SAID LOT 6, AND BOUNDED ON THE SOUTH BY THE NORTH RIGHT OF WAY LINE OF NORTHEAST 7TH STREET, "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 7TH STREET, EAST OF NORTHEAST 5TH AVENUE, WEST OF NORTH FEDERAL HIGHWAY (US1) AND SOUTH OF NORTHEAST 8TH STREET

WHEREAS, the applicant, Flagler Village Land Trust, applied for the vacation of certain right-of-way as described in Section 1 herein; and

WHEREAS, the Planning and Zoning Board, at its meeting of August 19, 2015 (PZ Case No. V15001), did recommend to the City Commission of the City of Fort Lauderdale ("City Commission") the vacation of a portion of the below-described right-of-way subject to conditions; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, October 6, 2015, and Tuesday, October 20, 2015, 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; and

WHEREAS, such public hearing was duly held at the time and place designated and due notice of same was given by publication as is required by law; and

WHEREAS, the City Commission has determined that the application for vacation of right-of-way meets the criteria of Section 47-24.6.A.4 of the Unified Land Development Regulations;

Exhibit 5
CAM 15-1141

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

SECTION 1. That the below-described right-of-way is hereby vacated, abandoned, and closed and shall no longer constitute a public right-of-way.

See Exhibit "A" attached hereto and made a part hereof

Location: North of Northeast 7th Street, East of Northeast 5th Avenue, West of North Federal Highway (US1) and South of Northeast 8th Street

SECTION 2. 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 3. 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 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 5. 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.

PASSED FIRST READING this the ____ day of October, 2015.

PASSED SECOND READING this the ____ day of October, 2015.

Mayor

ORDINANCE NO. C-15

PAGE 3

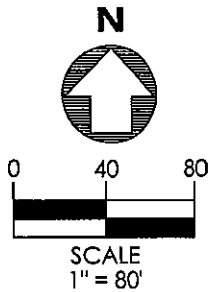
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI

L:\COMM 2015\Ordinances\Oct 6th\dms - Flagler Village vacation Case V15001.doc

SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR CASE V15001 PORTION OF NE 5th TERRACE RIGHT OF WAY TO BE ABANDONED AND VACATED



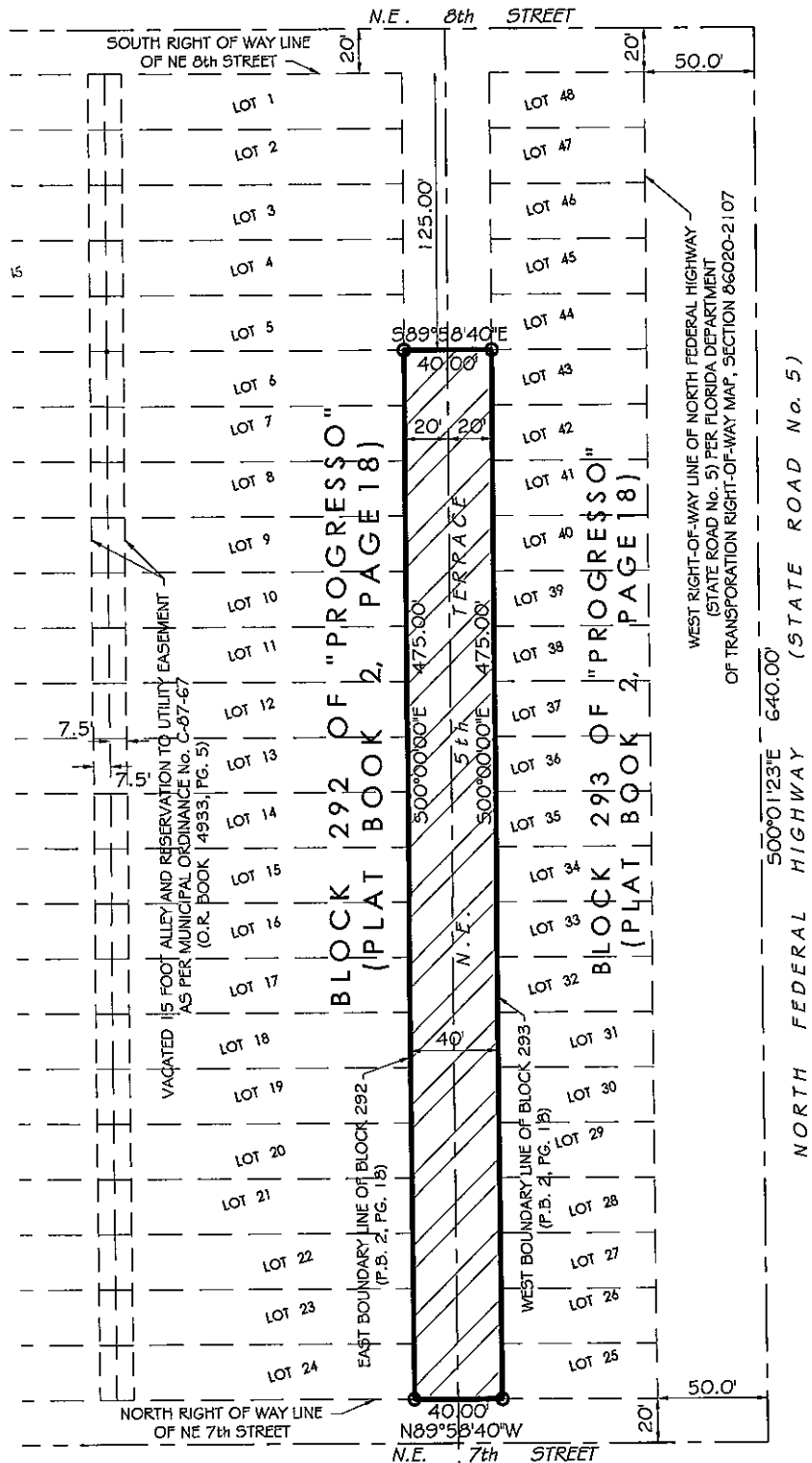
LEGEND:

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

LEGAL DESCRIPTION OF PORTION OF N.E. 5th TERRACE TO BE CLOSED, ABANDONED AND VACATED:

That portion of N.E. 5th Terrace Right of Way formerly known as 18th Street, as shown on the Plat of "PROGRESSO", according to the Plat thereof, as recorded in Plat Book 2, at Page 18, of the Public Records of Dade County, bounded on the North by a line parallel with and 125 feet South of the easterly and westerly prolongation of the South Right of Way Line of N.E. 8th Street, from the block corners of Blocks 292 and 293 respectively, up to the centerline of N.E. 5th Terrace; bounded on the South by the the easterly and westerly prolongation of North Right of Way Line of N.E. 7th Street, from the block corners of Blocks 292 and 293 respectively, up to the centerline of N.E. 5th Terrace; bounded on the West by the East Boundary Line of Block 292 of said Plat of "PROGRESSO" and bounded on the East by the West Boundary Line of Block 293 of said Plat of "PROGRESSO".

Said portion of N.E. 5th Terrace Right of Way lying and being in Section 3, Township 52 South, Range 40 East, City of Fort Lauderdale, Broward County, Florida and containing 19,000 square feet, more or less, by calculations.



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

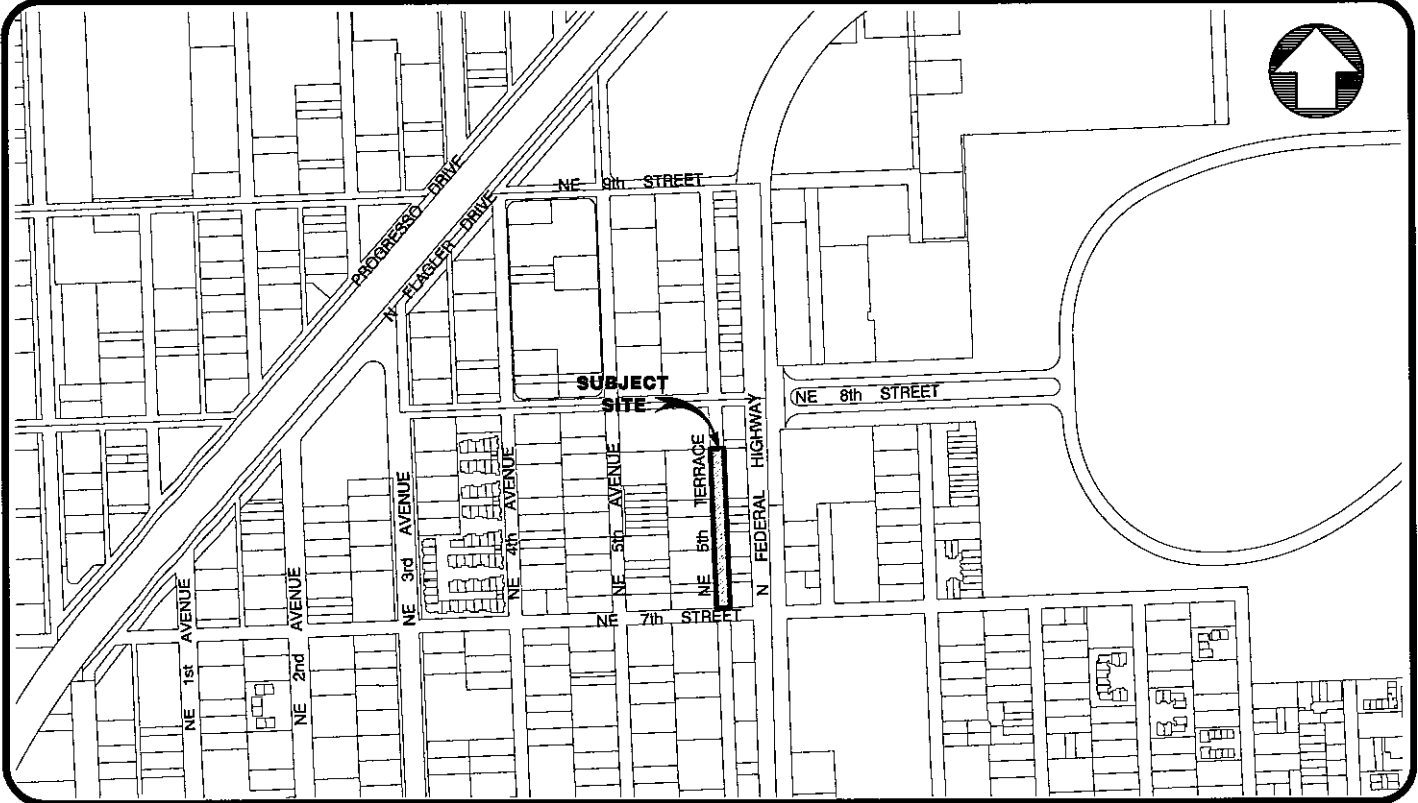
LONGITUDE SURVEYORS

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

L:\14087 NE 7th Street and North Federal Highway\dwg\Sketch and Legal\14087 SL RDW 09-17-15.dwg 9/17/2015 11:44 PM EDT

JOB No.: 14087 PAGE 1 OF 2

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR CASE V15001
PORTION OF NE 5th TERRACE RIGHT OF WAY TO BE ABANDONED AND VACATED**



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 500°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 County, 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: Eduardo M Suarez, PSM, for the Firm Date: _____
Registered Surveyor and Mapper LS6313
State of Florida

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.

LONGITUDE SURVEYORS

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

LN14087 NE 7th Street and North Federal Highway\dwg\Sketch and Legal\14087 SL RDW 09-17-15.dwg 9/17/2015 1:17:14 PM EDT

JOB No.: 14087 PAGE 2 OF 2

EXHIBIT "B"

**CONDITIONS OF APPROVAL
CASE NO. V15001**

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;
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 listed in the ordinance have been met. A copy of the recorded certificate must be provided to the City.
4. Applicant shall record the vehicular and pedestrian easements agreed to by the City prior to the issuance of the engineering certificate.
5. All interior sidewalks, including along the proposed access roadway, will be a minimum of seven feet wide.