

**CERTIFICATION**

I certify this to be a true and correct copy of the record of the City of Fort Lauderdale, Florida.

WITNESSETH my hand and official seal of the City of Fort Lauderdale, Florida, this 9<sup>th</sup> day of November 20 16  
Deborah A. Ortega City Clerk

INSTR # 114035963  
Recorded 11/10/16 08:37:57 AM  
Broward County Commission  
Deputy Clerk 3150  
#3, 4 Pages

**RESOLUTION NO. 16-197**

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 PURSUANT TO CITY OF FORT LAUDERDALE ORDINANCE NO. C-87-68, AS RECORDED IN OFFICIAL RECORDS BOOK 14933, PAGE 7 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS THE EAST 7.5 FEET OF LOTS 25 THROUGH 48 INCLUSIVE, AND THE WEST 7.5 FEET OF LOTS 1 THROUGH 24, INCLUSIVE, OF BLOCK 315, "MAP OF 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 6<sup>TH</sup> STREET, EAST OF NORTHEAST 4<sup>TH</sup> AVENUE, WEST OF NORTHEAST 5<sup>TH</sup> AVENUE AND SOUTH

WHEREAS, under the provisions of Section 47-24.7 of the Unified Land Development Regulations (hereinafter "ULDR") of the City of Fort Lauderdale, Florida, ALTA Flagler Village, LLC, is applying for the vacation of a utility easement (PZ Case No. E16003) more fully described in Section 1, below associated with the development known as ALTA at Flagler Village; and

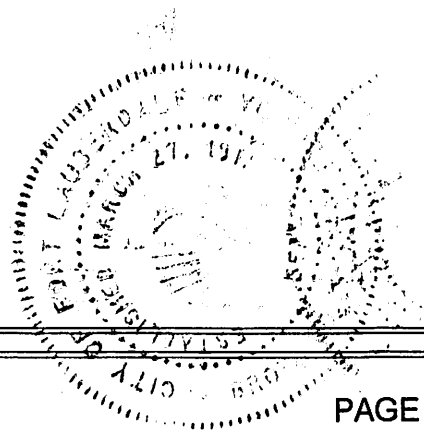
WHEREAS, pursuant to the provisions of the aforementioned Section 47-24.7 of the ULDR, all utilities known to have an interest have been notified and have no objection to the vacation of the easement; and

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:



RESOLUTION NO. 16-197

PAGE 2

THAT 15-FOOT UTILITY EASEMENT RETAINED BY THE CITY OF FORT LAUDERDALE BY ORDINANCE NO. C-87-68, RECORDED IN OFFICIAL RECORDS BOOK 14933, AT PAGE 7 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LESS THE EAST 7.5 FEET OF LOTS 25 THROUGH 48, INCLUSIVE, AND THE WEST 7.5 FEET OF LOTS 1 THROUGH 24, INCLUSIVE, OF BLOCK 315, "MAP OF 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.

More particularly described in Exhibit "A" attached.

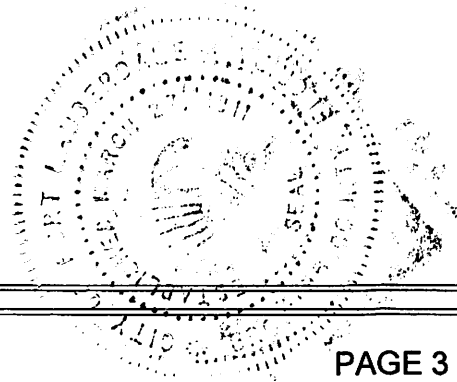
Location: North of Northeast 6<sup>th</sup> Street, East of Northeast 4<sup>th</sup> Avenue, West of Northeast 5<sup>th</sup> Avenue and South of Northeast 7<sup>th</sup> Street.

**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.



RESOLUTION NO. 16-197

PAGE 3

**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 1st day of November, 2016.

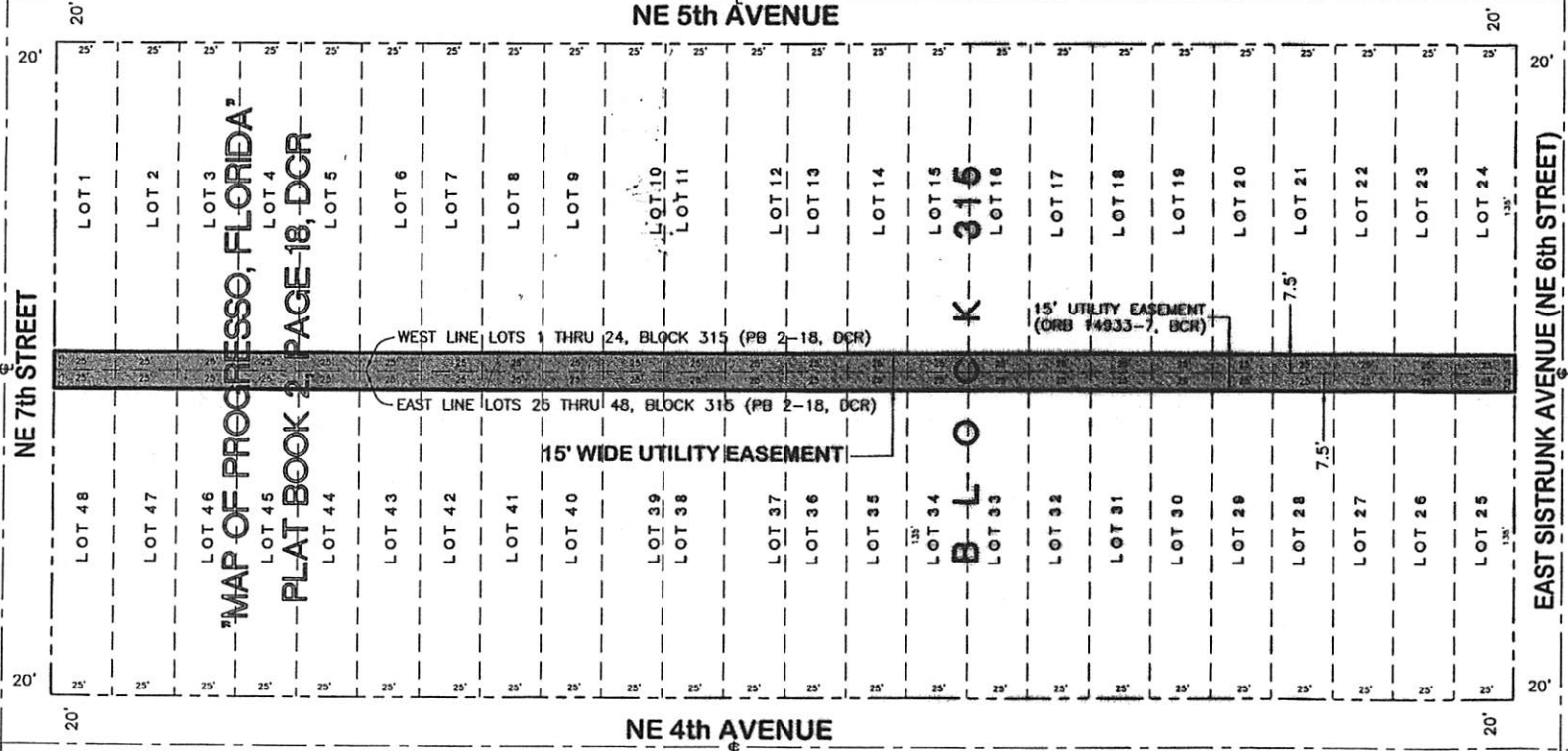
Mayor  
JOHN P. "JACK" SEILER

ATTEST:

City Clerk  
JEFFREY A. MODARELLI

S:\CityClerk\REDLINE\2016\November 1\Resolutions\16-197.docx

**EXHIBIT "A"**  
**SKETCH & LEGAL DESCRIPTION**  
**VACATE RETAINED 15' UTILITY EASEMENT**



**NOTES:**  
1. AREA OF SUBJECT EASEMENT IS 9,000 SQUARE FEET, OR 0.2088 ACRE, MORE OR LESS.  
2. CLIENT: ALTA FLAGLER VILLAGE, LLC.  
3. ALL RECORDING REFERENCES HEREON REFER TO THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA UNLESS OTHERWISE STATED.  
4. THE SUBJECT PARCEL LIES IN SECTION 3, TOWNSHIP 50 SOUTH, RANGE 42 EAST, CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.  
5. LEGAL DESCRIPTION PREPARED BY LEITER PEREZ & ASSOCIATES, INC.  
6. THIS SKETCH REFLECTS THE EASEMENTS AND RIGHTS-OF-WAY AS SHOWN ON THE REFERENCED RECORD PLAT. THE SUBJECT PROPERTY HAS NOT BEEN ABSTRACTED FOR OTHER EASEMENTS, ROAD RESERVATIONS, OR RIGHTS-OF-WAY OF RECORD BY THIS FIRM.  
7. THIS SKETCH IS NOT AN AS-BUILT OR BOUNDARY SURVEY.

**LEGAL DESCRIPTION:**  
A 15 FOOT WIDE EASEMENT BEING A PORTION OF LOTS 1 THRU 48 INCLUSIVE, BLOCK 315, "MAP OF PROGRESSO, FLORIDA", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA AND SAID LANDS NOW SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
  
THE EAST 7.5 FEET OF LOTS 25 THRU 48 INCLUSIVE, BLOCK 315 OF SAID PLAT BOOK 2 PAGE 18 AND THE WEST 7.5 FEET OF LOTS 1 THRU 24 INCLUSIVE, BLOCK 315 OF SAID PLAT BOOK 2 PAGE 18.

**LEGEND:**  
BCR - BROWARD COUNTY PUBLIC RECORDS  
DCR - MIAMI-DADE COUNTY PUBLIC RECORDS  
LB - LICENSED BUSINESS  
PFB - FLORIDA POWER & LIGHT COMPANY  
ORB - OFFICIAL RECORDS BOOK  
PB - PLAT BOOK  
RAW - RIGHT-OF-WAY  
CL - CENTERLINE

NOTE: THIS IS NOT A LAND SURVEY.

THIS "SKETCH & LEGAL DESCRIPTION" WAS PREPARED UNDER MY SUPERVISION.  
BY: **LEITER PEREZ & ASSOCIATES, INC.**

BY: **GEORGEY LEITER**, PRESIDENT  
PROFESSIONAL SURVEYOR & MAPPER #4395  
STATE OF FLORIDA

REVISION:  
8-29-2016: REVIEW

**LEITER PEREZ & ASSOCIATES, INC.**  
LAND DEVELOPMENT CONSULTANTS  
CIVIL ENGINEERS - LAND SURVEYORS  
LAND PLANNERS - ENVIRONMENTAL  
520 N.W. 165TH ST., SUITE 205, MIAMI, FLORIDA 33169  
MIAMI-DADE (305) 855-3133 BROWARD (954) 524-2202 FAX: (305) 852-0411  
E-Mail: office@leiterperez.com WEBSITE: www.leiterperez.com LICENSED BUSINESS NO. 6787

FILE: 16-135SubSketchLegal.dwg

NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

CAM #16-4187  
Exhibit 3  
Page 1 of 1  
SHEET 1 OF 1