

RESOLUTION NO. 17-95

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING ALL OF THAT CERTAIN WATER AND SEWER UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 46099, PAGE 999, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING A PORTION OF PARCEL "A", "RIVERBEND CORPORATE PARK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 175, PAGES 95 THROUGH 97, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, LOCATED NORTH OF WEST BROWARD BOULEVARD, WEST OF NORTHWEST 22 AVENUE AND EAST OF NORTHWEST 25 AVENUE, AND SOUTH OF THE NORTH FORK NEW RIVER, BROWARD COUNTY, FLORIDA.

WHEREAS, under the provisions of Section 47-24.7 of the City of Fort Lauderdale, Florida Unified Land Development Regulations (hereinafter "ULDR"), Riverbend Broward, LP, is applying for the vacation of a water and sewer utility easement (PZ Case No. E16009) more fully described in Section 1, below associated with the development known as Riverbend Corporate Park of Fort Lauderdale, LLC; 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:

ALL THAT CERTAIN WATER AND SEWER UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 46099, PAGE 999, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING A PORTION OF PARCEL "A", "RIVERBEND CORPORATE PARK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 175, PAGES 95 THROUGH 97, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

More particularly described in Exhibit "A" attached.

Location: North of West Broward Boulevard, West of  
Northeast 22<sup>nd</sup> Avenue, East of Northwest 25<sup>th</sup>  
Avenue and South of the North Fork New River

**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.
3. Applicant shall grant a utility easement, the location to be approved by the City's Public Works Department, by an instrument approved by the City Attorney's Office.

**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 2nd day of May, 2017.

  
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Mayor  
JOHN P. "JACK" SEILER

ATTEST:



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City Clerk  
JEFFREY A. MODARELLI