

RESOLUTION NO. 17-278

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE RETAINED UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 24508, PAGE 146 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, ALSO FORMALLY BEING A PORTION OF NORTHWEST 10th PLACE, LOCATED WEST OF NORTHWEST 9th AVENUE (POWERLINE ROAD), NORTH OF SUNRISE BOULEVARD, EAST OF NORTHWEST 10th AVENUE AND SOUTH OF CHATEAU PARK DRIVE, ALL SAID LANDS BEING LOCATED IN THE CITY OF FORT LAUDERDALE, 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") Crown Liquors Broward, Inc., is applying for the vacation of a 95-foot by 201-foot utility easement (PZ Case No. E17003) more fully described in Section 1, below associated with the Circle K Convenience Store located at 901 West Sunrise Boulevard; 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:

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

Location: West of Northwest 9th Avenue (Powerline Road),
North of Sunrise Boulevard, east of Northwest 10th
Avenue and south of Chateau Park Drive


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 Work 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. All other applicable state or federal permits must be obtained before commencement of the development.

ADOPTED this the 5th day of December, 2017.


Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JEFFREY A. MODARELLI



McLAUGHLIN ENGINEERING COMPANY
LB#285

ENGINEERING * SURVEYING * PLATTING * LAND PLANNING
1700 N.W. 64th STREET #400, FORT LAUDERDALE, FLORIDA 33309
PHONE (954) 763-7611 * FAX (954) 763-7615

M.D.O.K.

SKETCH AND DESCRIPTION
TO ACCOMPANY VACATION PETITION
N.W. 10th PLACE UTILITY EASEMENT
CIRCLE K SITE
SHEET 1 OF 2 SHEETS

LEGAL DESCRIPTION:

A portion of Northwest 10th Place (Now Vacated per Ordinance C-96-1 per O.R. 24508, Page 146, B.C.R.) as shown on the plat of RESUBDIVISION, TRACT B, LAUDERDALE MANORS ADDITION, according to the plat thereof as recorded in Plat Book 44, Page 41, of the public records of Broward County, Florida and as shown on the plat of RESUBDIVISION OF LOTS 1, 2, 10, 11 and 12, Block 155, CHATEAU PARK SECTION B, according to the plat thereof recorded in Plat Book 63, Page 36, of the public records of Broward County, Florida. More fully described as follows:

Beginning at the most Easterly, South corner of Tract "A", of said RESUBDIVISION, TRACT B, LAUDERDALE MANORS ADDITION; thence South 88°10'51" West, on the South line of said Tract "A", a distance of 201.20 feet, to a point on a curve; thence Southeasterly through Southwesterly on said curve to the right, whose radius point bears South 55°54'22" West, with a radius of 50.00 feet and a central angle of 92°16'27", an arc distance of 80.52 feet; thence South 01°32'41" East, on the Northerly extension of the West line of Lot 5, Block 155, CHATEAU PARK, according to the plat thereof, as recorded in Plat Book 9, Page 68, of the public records of Broward County, Florida, a distance of 24.88 feet to a point of cusp; thence Northerly and Easterly on the Northerly line of said Lot 5, being a curve to the right, whose radius point is perpendicular to the last described course, with a radius of 25.00 feet, a central angle of 89°43'32", an arc distance of 39.15 feet to a point of tangency; thence North 88°10'51" East on the South line of said vacated N.W. 10th Place, being the North line of Lots 5, 4 and 3, of said Block 155, CHATEAU PARK and on the North line of Parcels "B" and "A", of said RESUBDIVISION OF LOTS 1, 2, 10, 11 and 12, BLOCK 155, CHATEAU PARK SECTION B; a distance of 169.10 feet to a point of curve; thence Southeasterly on the said North line of Parcel "A", and on a curve to the right with a radius of 25.00 feet and a central angle of 89°41'44", an arc distance of 39.14 feet to a point of cusp; thence North 02°07'25" West, on the Northerly extension of the East line of said Parcel "A", a distance of 94.87 feet to the Point of Beginning.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 14,203 square feet or 0.3261 acres more or less.

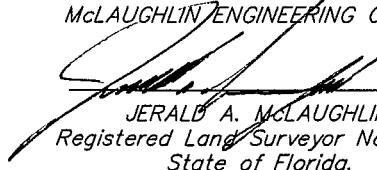
CERTIFICATION

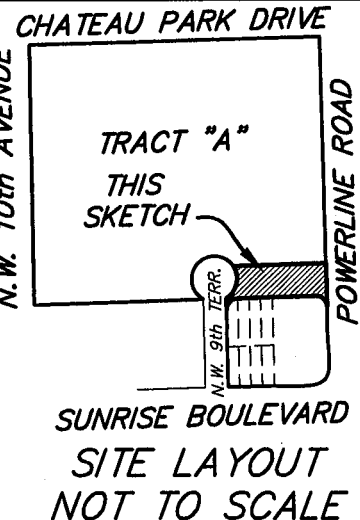
Certified Correct. Dated at
Fort Lauderdale, Florida this
1st day of August, 2017.

NOTES:

- 1) This sketch reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Legal description prepared by McLaughlin Engineering Co.
- 3) This drawing is not valid unless sealed with an embossed surveyors seal.
- 4) THIS IS NOT A BOUNDARY SURVEY.
- 5) Bearings shown assume the South line of Tract "A", as South 88°10'51" West.

McLAUGHLIN ENGINEERING COMPANY


JERALD A. McLAUGHLIN
Registered Land Surveyor No. 5269
State of Florida.



FIELD BOOK NO. _____

DRAWN BY: JMMjr _____

JOB ORDER NO. V-2567 _____

CHECKED BY: _____

REF. DWG.: 16-3-075 & 96-3-087

C: \JMMjr\2017\V2567 (EASE)



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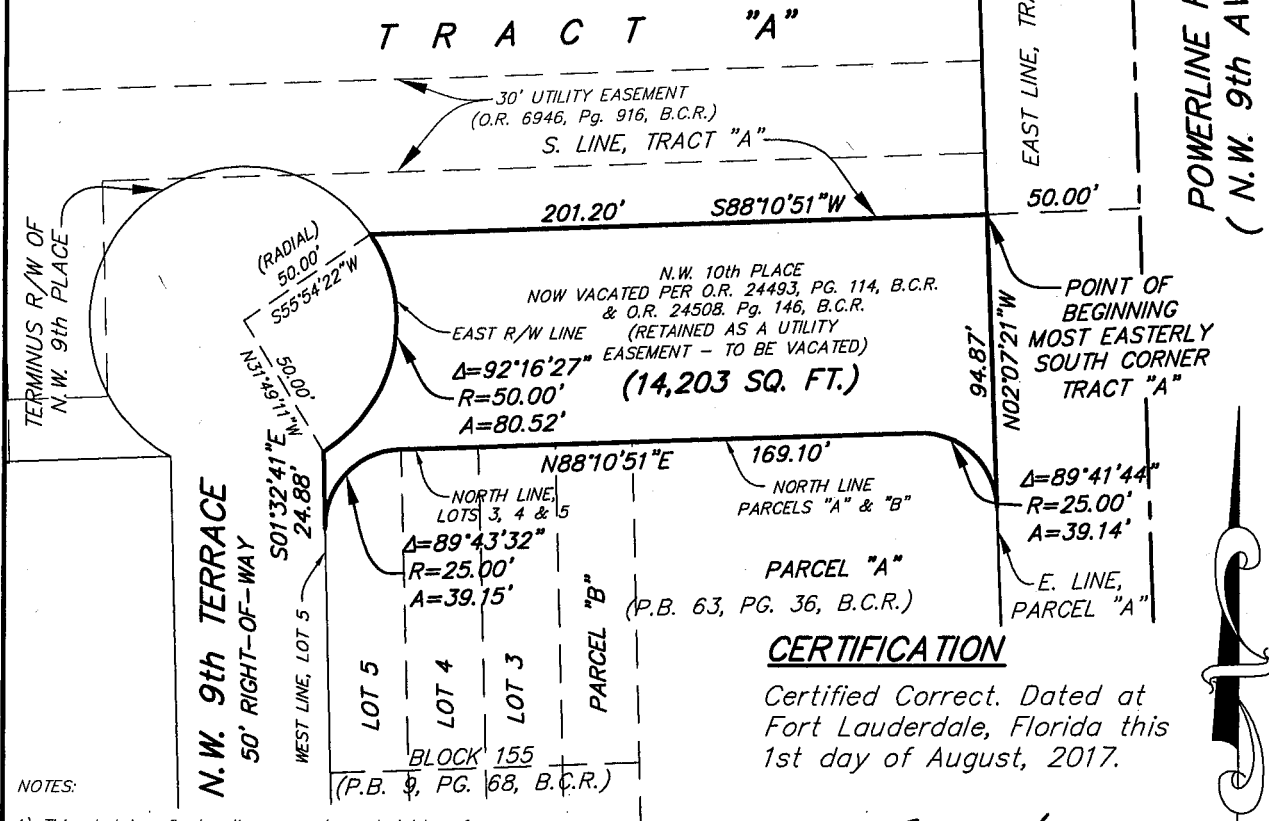
M.D. O.K.

SCALE 1" = 60' **SKETCH AND DESCRIPTION**
TO ACCOMPANY VACATION PETITION
N.W. 10th PLACE UTILITY EASEMENT
CIRCLE K SITE
SHEET 2 OF 2 SHEETS

LEGAL DESCRIPTION:

A portion of Vacated N.W. 10th Place right-of-way (retained a Utility Easement) lying South of and adjacent to, Tract "A", RESUBDIVISION, TRACT B, LAUDERDALE MANORS ADDITION, according to the plat thereof, as recorded in Plat Book 44, Page 41, of the public records of Broward County, Florida, more fully described on Sheet 1 of 2 Sheets.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 14,203 square feet or 0.3261 acres more or less.



NOTES:

- 1) This sketch reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements road reservations or rights-of-way of record by McLaughlin Engineering Company.
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CERTIFICATION

Certified Correct. Dated at
Fort Lauderdale, Florida this
1st day of August, 2017.

McLAUGHLIN ENGINEERING COMPANY

JERALD A. McLAUGHLIN
Registered Land Surveyor No. 5269
State of Florida.

FIELD BOOK NO. _____

DRAWN BY: JMMjr _____

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C: \JMMjr\2017\V2567 (EASE)