

ORDINANCE NO. C-18-23

AN ORDINANCE VACATING A PORTION OF THE 15 FOOT WIDE ALLEY RESERVATION LYING WITHIN BLOCK 10, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF WEST SUNRISE BOULEVARD AND BOUNDED ON THE SOUTH BY THE SOUTH LINE OF LOT 30 AND LOT 19 OF SAID BLOCK 210, LOCATED WEST OF NORTH ANDREWS AVENUE, NORTH OF NORTHWEST 9TH STREET, EAST OF NORTHWEST 1ST AVENUE AND SOUTH OF NORTHWEST 10TH STREET (WEST SUNRISE BOULEVARD), ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, Andrews Project Development, LLC, applied for the vacation of a public right-of-way more particularly described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the Planning and Zoning Board, at its meeting of May 16, 2018 (PZ Case No. V18005), recommended to the City Commission of the City of Fort Lauderdale ("City Commission") that they approve the application for the vacation of a public right-of-way as more particularly described and shown on Exhibit "A" attached hereto, subject to the conditions listed on Exhibit "B" which is attached hereto and incorporated herein; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, August 21, 2018, and Tuesday, September 4, 2018, 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 of the right-of-way; 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 in Section 47-24.6.A.4 of the City of Fort Lauderdale Unified Land Development Regulations;

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

SECTION 1. That the public right-of-way located west of North Andrews Avenue, north of N.W. 9th Street, east of N.W. 1st Avenue and south of N.W. 10th Street (West Sunrise Boulevard), as more particularly described in Exhibit "A" attached hereto, is hereby vacated, abandoned, and closed and shall no longer constitute a public right-of-way.

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, are hereby repealed.

SECTION 5. 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 6. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 7. 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. The applicant shall provide a copy of the recorded certificate to the City.

PASSED FIRST READING this the 21st day of August, 2018.

PASSED SECOND READING this the _____ day of _____, 2018.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI



SKETCH & LEGAL DESCRIPTION

BY
PULICE LAND SURVEYORS, INC.5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870

**LEGAL DESCRIPTION: ALLEY VACATION**

A PORTION OF THE 15 FOOT WIDE ALLEY DEDICATION LYING WITHIN THE FOLLOWING DESCRIBED LOTS IN BLOCK 210, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS.

THE WEST 7.5 FEET OF LOT 1 LESS THE NORTH 15.00 FEET, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF WEST SUNRISE BOULEVARD (STATE ROAD NO. 838) (NW 10TH STREET). THE WEST 7.5 FEET OF LOTS 2 THROUGH 19, INCLUSIVE, THE EAST 7.5 FEET OF LOTS 30 THROUGH 47, INCLUSIVE, AND THE EAST 7.5 FEET OF LOT 48 LESS THE NORTH 15.00 FEET, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF WEST SUNRISE BOULEVARD (STATE ROAD NO. 838) (NW 10TH STREET).

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, CONTAINING 6,900 SQUARE FEET (0.1584 ACRES), MORE OR LESS.

NOTES:

- 1) BEARINGS ARE BASED ON ASSUMED MERIDIAN FOR THE SOUTH RIGHT-OF-WAY LINE OF WEST SUNRISE BOULEVARD (STATE ROAD 838) (NE 10TH STREET) BEING N02°07'25"W.
- 2) THIS IS NOT A SKETCH OF SURVEY & DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.

FILE: TAYLOR/ANDREWS PROJECT LLC

SCALE: N/A

DRAWN: B.B.

ORDER NO.: 63087-E

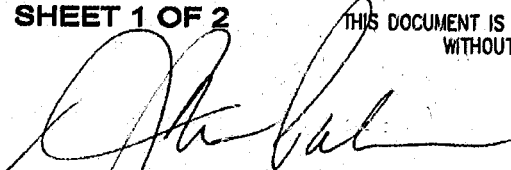
DATE: 4/21/17; REV 5/2/18; 6/15/18

ALLEY VACATION

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: PROGRESSO COMMONS

SHEET 1 OF 2

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE
WITHOUT SHEETS 1 AND 2


☐ JOHN F. PULICE, PROFESSIONAL SURVEYOR & MAPPER LS2691
☐ BETH BURNS, PROFESSIONAL SURVEYOR & MAPPER LS6136
☐ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274

M.D. O.K.



SKETCH & LEGAL DESCRIPTION

BY

PULICE LAND SURVEYORS, INC.

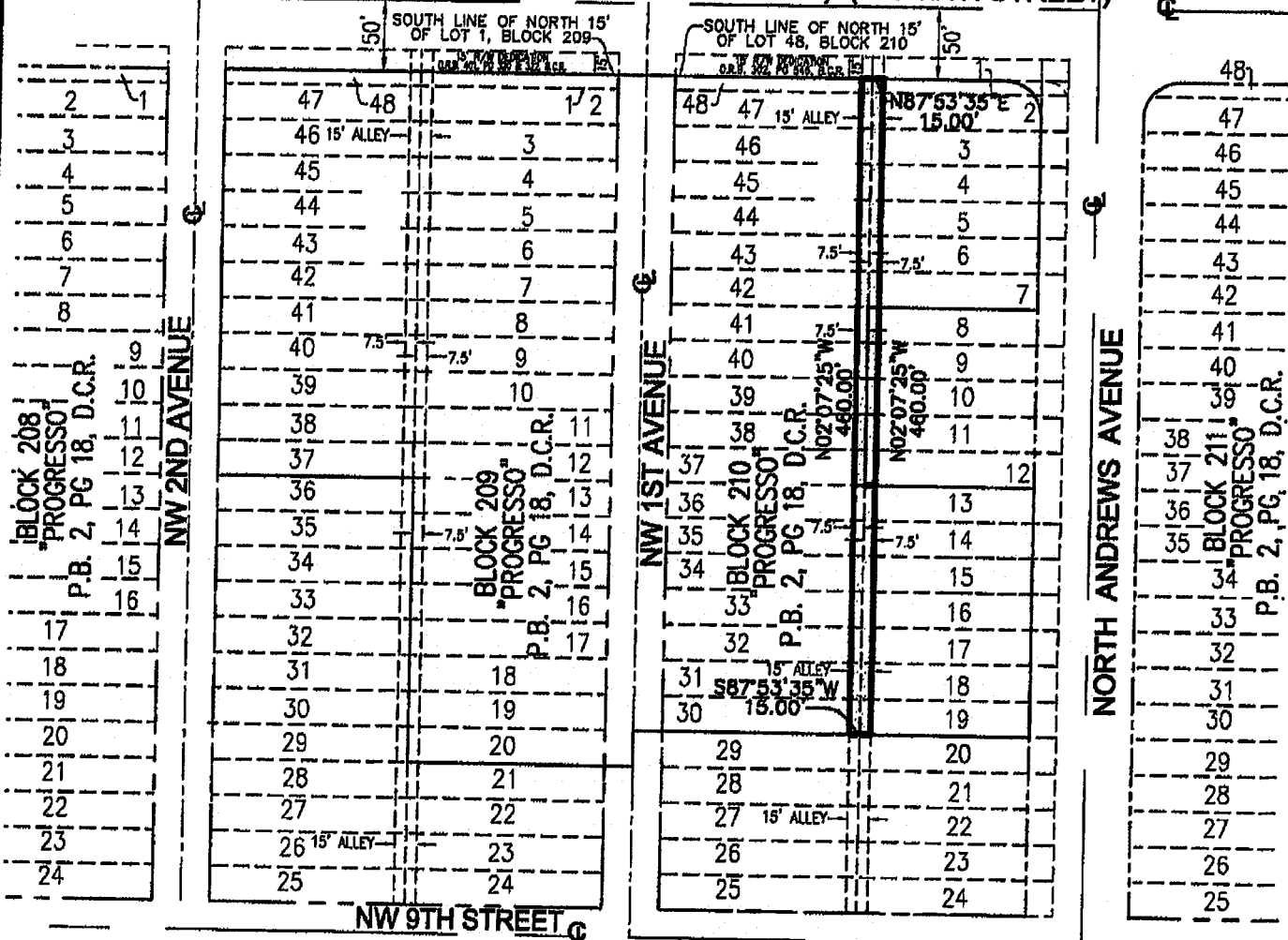
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E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



WEST SUNRISE BOULEVARD (STATE ROAD NO. 838) (NW 10TH STREET)



FILE: TAYLOR/ANDREWS PROJECT LLC

SCALE: 1"= 120' | DRAWN: B.B.

ORDER NO.: 63087-E

DATE: 4/21/17; REV 5/2/18; 6/15/18

ALLEY VACATION

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: PROGRESSO COMMONS

SHEET 2 OF 2

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE
WITHOUT SHEETS 1 AND 2

LEGEND:

D.C.R. DADE COUNTY RECORDS
O.R.B. OFFICIAL RECORDS BOOK
CL CENTERLINE
P.B. PLAT BOOK
PG PAGE

EXHIBIT "B"

**CONDITIONS OF APPROVAL
CASE NO. V18005**

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; and,
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 have been met. A copy of the recorded certificate must be provided by the applicant to the City.