

RESOLUTION NO. 18-157

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THE RETAINED UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 39084, PAGE 1712 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING THE WESTERLY HALF OF THE 50-FOOT VACATED RIGHT OF WAY OF SOUTHWEST 14TH WAY (PLATTED AS KENILWORTH PLACE), ADJOINING TO AND EAST OF LOTS 1 AND 2, BLOCK 2 "RIVER HIGHLANDS", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 3, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED WEST OF SOUTHWEST 14TH AVENUE, NORTH OF SOUTHWEST 3RD COURT, EAST OF NORTH FORK NEW RIVER AND SOUTH OF ARGYLE DRIVE, ALL LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY AND PROVIDING FOR CONFLICTS.

WHEREAS, under the provisions of Section 47-24.7 of the City of Fort Lauderdale, Florida Unified Land Development Regulations (hereinafter "ULDR"), Kim Nothard submitted an application for the vacation of a partial utility easement (Case No. E18005) more fully described in Section 1 below, associated with the property located at 215 S.W. 14th Way, Fort Lauderdale, Florida; 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:

A PORTION OF THE RETAINED UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 39084, PAGE 1712 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING THE WESTERLY HALF OF THE 50-FOOT VACATED RIGHT OF WAY OF SOUTHWEST 14TH WAY (PLATTED AS KENILWORTH PLACE), ADJOINING TO AND EAST OF LOTS 1 AND 2, BLOCK 2 "RIVER HIGHLANDS", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 3, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

More particularly described in Exhibit "A" attached.

Location: West of Southwest 14th Avenue, north of Southwest 3rd Court, east of North Fork New River and south of Argyle 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 Works Department; and
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 easements will be dedicated at a different location, 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.

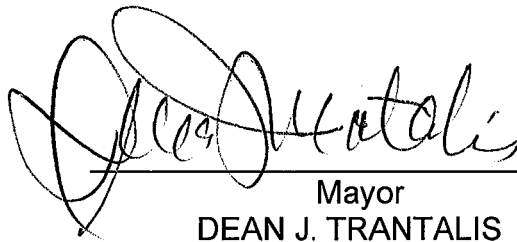
SECTION 4. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain 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.

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

SECTION 6. That if any clause, section or part of this Resolution shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby, but shall remain in full force and effect.

SECTION 7. That all resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

ADOPTED this the 21st day of August, 2018.



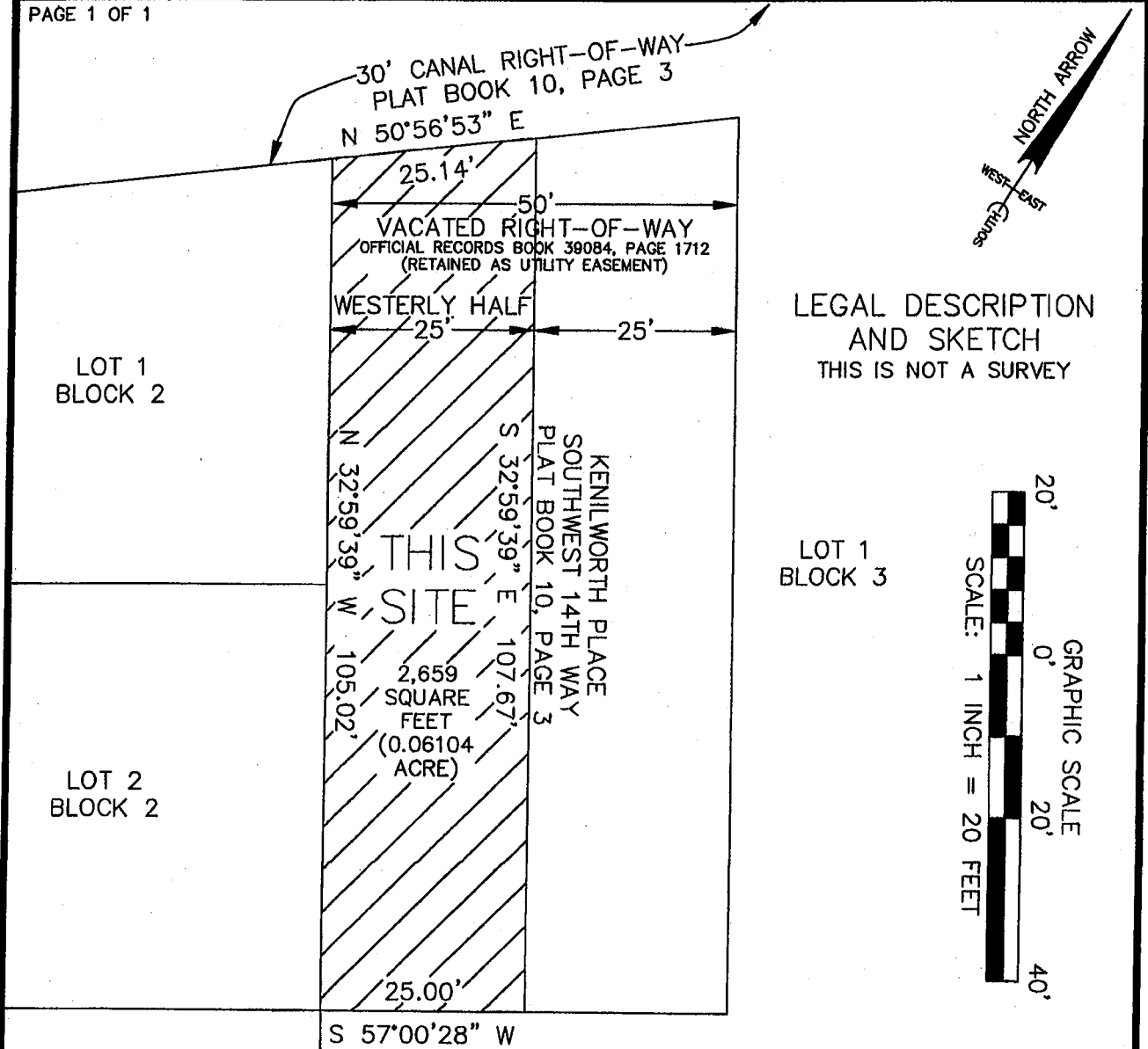
Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI

M.D. O.K.



VACATION OF A PORTION OF A RETAINED UTILITY EASEMENT

THE WESTERLY HALF OF THE 50-FOOT-WIDE VACATED RIGHT-OF-WAY OF KENILWORTH PLACE (ALSO KNOWN AS SOUTHWEST 14TH WAY) LYING ADJACENT TO AND EAST OF LOTS 1 AND 2, BLOCK 2, RIVER HIGHLANDS, A SUBDIVISION AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 10, PAGE 3, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; SAID LAND SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, CONTAINING 2,659 SQUARE FEET.

I CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH MEET THE STANDARDS OF PRACTICE SET FORTH PURSUANT TO SECTION 472.027, FLORIDA STATUTES, BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050 THROUGH 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE.

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DATE - JULY 16, 2018