

ORDINANCE NO. C-18-27

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE SOUTH 6 FEET OF THE ADDITIONAL THOROUGHFARE DEDICATION LYING ADJACENT PARCEL "B", "FEDERAL HIGHWAY AND 2ND STREET CBD PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 153, PAGE 49, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED WEST OF SOUTH FEDERAL HIGHWAY (US1), NORTH OF NORTHEAST 1ST STREET, EAST OF NORTHEAST 3RD AVENUE AND SOUTH OF NORTHEAST 2ND STREET, ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the Applicant, 195 Federal, LLC, applied for the vacation of a certain right-of-way more particularly described in Section 1 herein; and

WHEREAS, the Planning and Zoning Board, at its meeting of May 16, 2018 (PZ Case No. V18001), did recommend to the City Commission of the City of Fort Lauderdale ("City Commission") the vacation of the below-described portion of a public right-of-way, subject to conditions; 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; 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 below-described portion of a public right-of-way is hereby vacated, abandoned, and closed and shall no longer constitute a public right-of-way:

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

Location: A southern portion of Northeast 2nd Street
west of South Federal Highway (US1), and
east of Northeast 3rd Avenue

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.

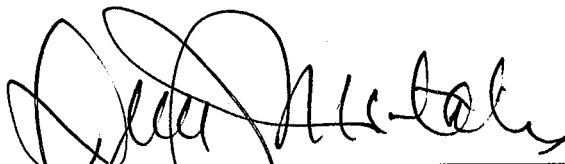
SECTION 5. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain 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 4th day of September, 2018.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI

SKETCH AND DESCRIPTION

m.D. O.K.

LEGAL DESCRIPTION:

THE SOUTH 6.00 FEET OF THAT 16.00 FOOT ADDITIONAL THOROUGHFARE DEDICATION LYING ADJACENT TO PARCEL "B", "FEDERAL HIGHWAY AND 2ND STREET CBD PLAT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 153, PAGE 49, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

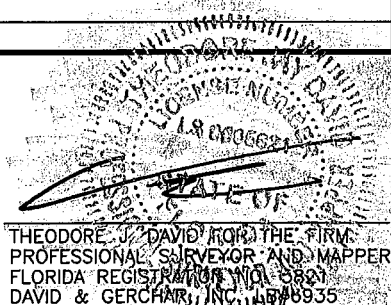
SAID LANDS SITUATE LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA. CONTAINING 750 SQUARE FEET MORE OR LESS.

NOTES:

- 1) Bearings shown hereon are based on the North line of Parcel "B" with an assumed bearing of North 90°00'00" West.
- 2) This Sketch and Description is not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
- 3) The undersigned and David & Gerchar, Inc., make no representations or guarantees as to the information reflected hereon pertaining to easements, rights-of-way, setback lines, agreements and other matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others through appropriate title verification. Lands shown hereon were not abstracted for rights-of-way and/or easements of record.
- 4) This Sketch and Description consists of two (2) sheets and is not complete without all sheets.

SHEET 1 OF 2

**VACATED
R/W**



SCALE:

N/A

FB/PG:

N/A

DRAWN BY:

RRM

CKD. BY:

TD

JOB NO:

16-044 V-R/W

CAD. FILE: F:\dwgs\
16-jobs\16-044\
Sketch and Descriptions

DATE:

11/13/17

PROJ. FILE:

16-044

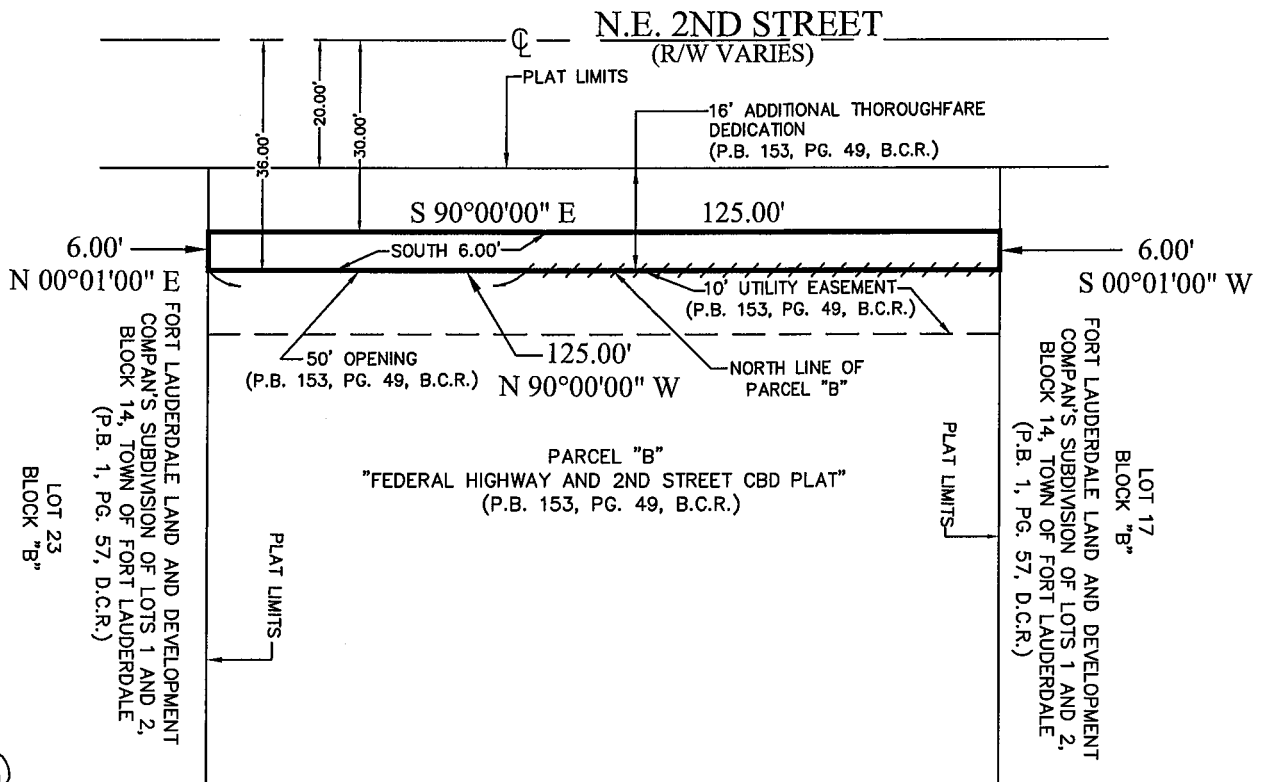
**DAVID &
GERCHAR,**
SURVEYORS AND MAPPERS

12750 N.W. 40th Street, Bay 1
Coral Springs, Florida 33065
(954) 340-4025 • email: ted@davidandgerchar.com

Exhibit A

SKETCH AND DESCRIPTION

M.D. O.K.



LEGEND:

B. C. R. BROWARD COUNTY RECORDS
D. C. R. DADE COUNTY RECORDS
P. O. C. POINT OF COMMENCEMENT
P. O. B. POINT OF BEGINNING
P. B. PLAT BOOK
PG. PAGE
CL CENTERLINE
R/W RIGHT-OF-WAY

THIS IS NOT A SKETCH OF SURVEY

SHEET 2 OF 2

REVISIONS	DATE	BY	CKD	FB/PG

**VACATED
R/W**

SCALE:

1" = 30'

FB/PG:

N/A

DRAWN BY:

RRM

CKD. BY:

TD

JOB NO:

16-044 V-R/W

CAD. FILE: F:\dwgs\
16-jobs\16-044\
Sketch and Descriptions

DATE:

11/13/17

PROJ. FILE:

16-044

**DAVID &
GERCHAR, INC.**
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EXHIBIT "B"

**CONDITIONS OF APPROVAL
CASE NO. V18001**

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, or, alternatively, in lieu of relocating all city utilities within the vacated area, the applicant shall dedicate a utility easement for city utilities that remain within the vacated area; 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 the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider, or alternatively, in lieu of relocating all other utilities within the vacated area, the applicant shall dedicate a utility easement for utilities that remain within the vacated area; 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 listed in the ordinance have been met. A copy of the recorded certificate must be provided to the City.