

ORDINANCE NO. C-18-24

AN ORDINANCE VACATING A PORTION OF NORTHWEST 1 AVENUE (25 STREET PLATTED), ADJACENT TO BLOCKS 209 AND 210, "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 EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 19 OF SAID BLOCK 209 TO THE SOUTHWEST CORNER OF LOT 30 OF SAID BLOCK 210, LOCATED WEST OF NORTH ANDREWS AVENUE, NORTH OF NORTHWEST 9TH STREET, EAST OF NORTHWEST 2ND 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 July 19, 2017 (PZ Case No. V17004), 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 Northwest 9th Street, east of Northwest 2nd Avenue and south of Northwest 10th Street, as more
C-18-24

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 4th day of September, 2018.



Mayor

DEAN J. TRANTALIS

ATTEST:



City Clerk

JEFFREY A. MODARELLI

h.D. O.K.



SKETCH & LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.
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SUNRISE, FLORIDA 33351

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LEGAL DESCRIPTION: NW 1ST AVENUE RIGHT-OF-WAY VACATION

THE SOUTH 460.00 FEET OF THE NORTH 485.00 FEET OF THAT 40.00 FOOT WIDE RIGHT-OF-WAY DEDICATION FOR NW 1ST AVENUE, LYING BETWEEN BLOCKS 209 AND 210, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHEAST CORNER OF LOT 20, BLOCK 209 OF SAID PLAT; THENCE NORTH 02°07'25" WEST ON THE WEST RIGHT-OF-WAY LINE OF SAID NW 1ST AVENUE, ALSO BEING THE EAST LINE OF LOTS 19 THRU 1, INCLUSIVE, FOR 460.00 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THE SOUTH 460.00 FEET OF THE NORTH 485.00 FEET OF SAID RIGHT-OF-WAY, SAID LINE BEING THE SOUTH RIGHT-OF-WAY LINE OF WEST SUNRISE BOULEVARD (STATE ROAD NO. 838) (NE 10TH STREET); THENCE NORTH 87°53'35" EAST ON SAID NORTH LINE AND SAID SOUTH RIGHT-OF-WAY LINE 40.00 FEET TO THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SAID NW 1ST AVENUE; THENCE SOUTH 02°07'25" EAST ON SAID EAST RIGHT-OF-WAY LINE, ALSO BEING THE WEST LINE OF LOTS 48 THRU 30, INCLUSIVE, OF SAID BLOCK 210 FOR 460.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 30, BLOCK 210; THENCE SOUTH 87°53'35" WEST ON THE SOUTH LINE OF THE NORTH 485.00 FEET OF SAID NW 1ST AVENUE RIGHT-OF-WAY FOR 40.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, CONTAINING 18,400 SQUARE FEET (0.4224 ACRES), MORE OR LESS.

NOTES:

- 1) BEARINGS ARE BASED ON ASSUMED MERIDIAN FOR THE WEST RIGHT-OF-WAY LINE OF NW 1ST AVENUE 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: PROGRESSO COMMONS

SCALE: N/A

DRAWN: B.B.

ORDER NO.: 61606

DATE: 12/12/16; REV. 7/11/17

RIGHT-OF-WAY 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



PLS

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EXHIBIT "B"

**CONDITIONS OF APPROVAL
CASE NO. V17004**

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.