

ORDINANCE NO. C-18-44

AN ORDINANCE VACATING A PORTION OF THE 15-FOOT WIDE ALLEY RESERVATION LYING WITHIN BLOCK 204, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, THE WEST 7.5 FEET OF LOTS 16 THROUGH 24 AND THE EAST 7.5 FEET OF LOTS 25 THROUGH 34, LESS THE SOUTH 5.0 FEET OF LOT 25, LOCATED WEST OF NORTHWEST 6TH AVENUE, NORTH OF NORTHWEST 9TH STREET, EAST OF NORTHWEST 7TH 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, Broward County Board of County Commissioners, 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 October 17, 2018 (PZ Case No. V18006), 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, December 4, 2018, and Tuesday, December 18, 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 N.W. 6th Avenue, north of N.W. 9th Street, east of N.W. 7th 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.

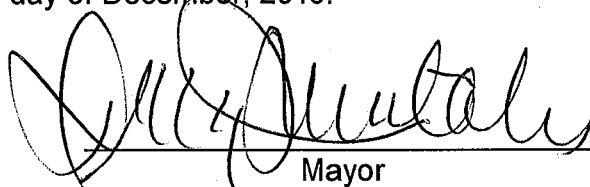
SECTION 5. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain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

PASSED SECOND READING this the 18th day of December, 2018.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI

VACATE A PORTION OF THE ALLEY IN BLOCK 204

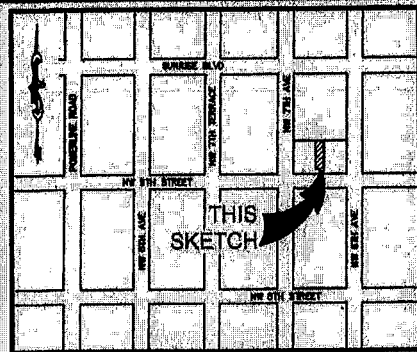
LEGAL DESCRIPTION:

THE WEST 7.5 FEET OF LOTS 16, THROUGH 24, OF BLOCK 204, OF PROGRESSO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

TOGETHER WITH:
THE EAST 7.5 FEET OF LOTS 25 THROUGH 34, OF SAID BLOCK 204, OF PROGRESSO;

LESS THE SOUTH 5.00 FEET, OF THE EAST 7.50 FEET OF LOT 25, OF SAID BLOCK 204, OF PROGRESSO;

SAID LANDS LYING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.



LOCATION MAP
NOT TO SCALE

SURVEY NOTES:

1. THE LEGAL DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
2. KEITH AND ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION NUMBER IS L.B.#6860.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR AN ENCRYPTED DIGITAL SIGNATURE OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.
4. IT IS A VIOLATION OF THE STANDARDS OF PRACTICE PURSUANT TO RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE TO ALTER THIS SURVEY WITHOUT THE EXPRESS PRIOR WRITTEN CONSENT OF THE SURVEYOR. ADDITIONS AND/OR DELETIONS MADE TO THE FACE OF THIS SURVEY WILL MAKE THIS SURVEY INVALID.
5. THIS SKETCH AND DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY.
6. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF SOUTH 87°51'37" WEST ALONG THE SOUTH LINE OF BLOCK 204, PROGRESSO, AS RECORDED IN PLAT BOOK 2, ON PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
7. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
8. THE INTENDED DISPLAY SCALE FOR THIS SKETCH IS 1"=50' OR SMALLER.

CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH & DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS DEPICTED TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THE INFORMATION AS WRITTEN UNDER MY DIRECTION ON MAY 10, 2018 MEETS THE STANDARDS OF PRACTICE PURSUANT TO RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE AS APPLICABLE TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

KEITH & ASSOCIATES, INC.
CONSULTING ENGINEERS

Lee Powers
LEE POWERS
PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 6805
STATE OF FLORIDA

SKETCH & DESCRIPTION

A PORTION OF LOTS 18 THRU 31,
BLOCK 204, PROGRESSO, PLAT
BOOK 2, PAGE 18, DADE COUNTY
RECORDS

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

KEITH & ASSOCIATES, INC.
consulting engineers
301 EAST ATLANTIC BOULEVARD
POMPANO BEACH, FLORIDA 33060-6643
(954) 788-3400 FAX (954) 788-3500
EMAIL: mail@keith-associates.com LB NO. 6860

SHEET 1 OF 2
DRAWING NO. 07495 NO SKETCH & DESCRIPTION 02.000

DATE 5/10/18

SCALE N/A

FIELD BK. N/A

DWG. BY DB

CHK. BY LP

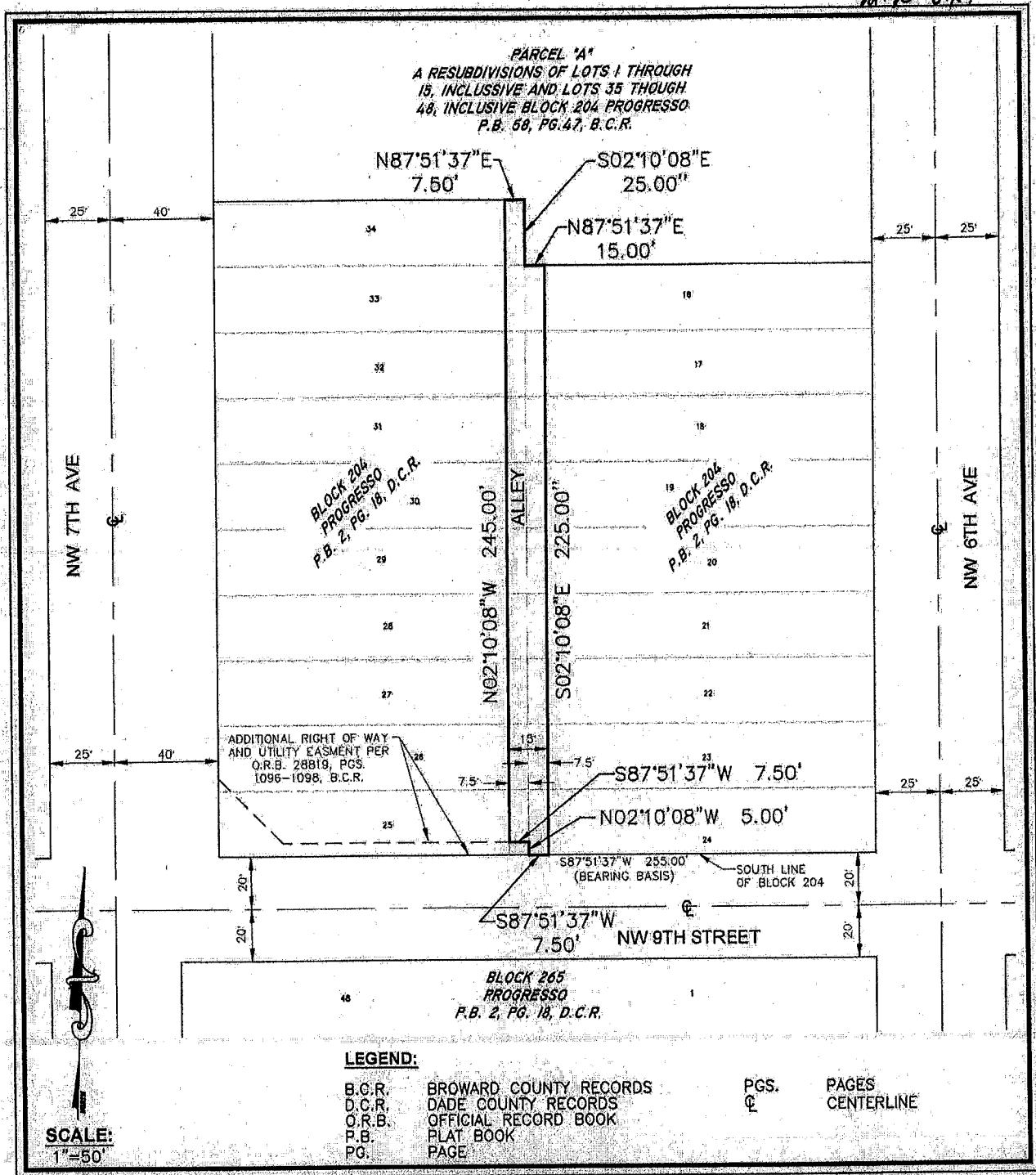
DATE 9/12/18

REVISIONS

9/12/18 REVISED BOUNDARY

9/14/18 CITY COMMENTS

M.P. O.K.



SKETCH & DESCRIPTION A PORTION OF LOTS 18 THRU 31, BLOCK 204, PROGRESSO, PLAT BOOK 2, PAGE 18, DADE COUNTY RECORDS FORT LAUDERDALE, BROWARD COUNTY, FLORIDA	KEITH ASSOCIATES, INC. consulting engineers 301 EAST ATLANTIC BOULEVARD POMPAHO BEACH, FLORIDA 33060-6643 (954) 788-3400, FAX (954) 788-3500 EMAIL: mail@keith-associates.com LB NO. 8860 SHEET 2 OF 2 DRAWING NO. 07889 NO. SKETCH & DESCRIPTION 02.0105	DATE 5/10/18 SCALE 1"=50' FIELD BK. N/A DWNG. BY DB CHK. BY LP	DATE 9/12/18 REVISIONS 9/14/18 CITY COMMENTS

EXHIBIT "B"

**CONDITIONS OF APPROVAL
CASE NO. V18006**

1. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, or easements granted, 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, or easements granted, 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 have been met. A copy of the recorded certificate must be provided by the applicant to the City.