

ORDINANCE NO. C-19-05

AN ORDINANCE VACATING ALL OF THAT 10-FOOT ALLEY IN BLOCK 8, "BRYAN SUBDIVISION" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1 AT PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND RETAINING PORTIONS OF SAID VACATED 10-FOOT ALLEY FOR 10-FOOT UTILITY EASEMENTS BEING NORTH OF THE SOUTH LINE OF LOTS 8 AND 17 AND SOUTH OF THE NORTH LINE OF LOTS 5 AND 20 OF SAID BLOCK 8, LOCATED NORTH OF BROWARD BOULEVARD, SOUTH OF NORTHWEST 2ND STREET, EAST OF NORTHWEST 7TH AVENUE AND WEST OF NORTHWEST 6TH AVENUE, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, PROVIDING FOR SEVERABILITY AND REPEAL OF CONFLICTING ORDINANCE PROVISIONS.

WHEREAS, the applicant, 100 Avenue of the Arts, LLC, applied for the vacation of a public right-of-way including the retainment of two utility easements, 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. V18007), 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 and the retainment of two utility easements 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, January 22, 2019, and Tuesday, February 5, 2019, 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

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions; words, symbols, and letters double underlined are additions after first reading; words, symbols, and letters ~~double-stricken~~ are deletions after first reading.

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 north of Broward Boulevard, south of Northwest 2nd Street, east of Northwest 7th Avenue and west of Northwest 6th Avenue, 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 portions of said vacated 10-foot alley shall be retained for two 10-foot utility easements also described in Exhibit "B" attached hereto.

SECTION 3. 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 4. 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 5. That all ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 6. 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 7. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 8. That this Ordinance shall be in full force and effect immediately as to the alleyway fronting Lots 1 through 5, 8 through 12, 13 through 17 and 20 through 24. As to the

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alleyway front Lots 6, 7, 18 and 19, 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 "C" attached hereto have been met. The applicant shall provide a copy of the recorded certificate to the City.

PASSED FIRST READING this the 22nd day of January, 2019.

PASSED SECOND READING this the _____ day of _____, 2019.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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M.D. O.K.

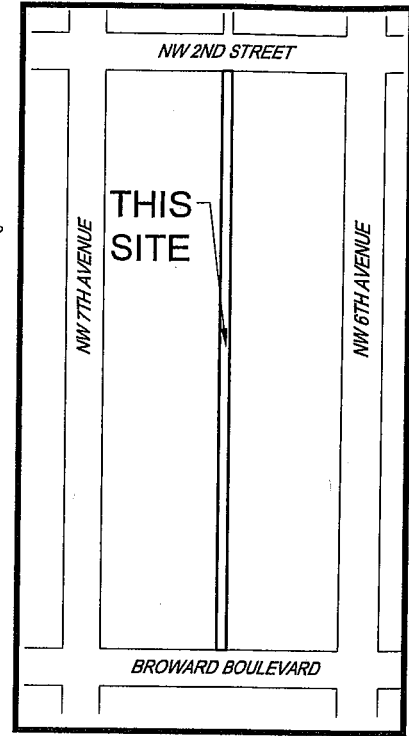
ALLEY VACATION

LEGAL DESCRIPTION:

A TRACT OF LAND BEING A PORTION OF THE 10 FOOT WIDE ALLEYWAY IN BLOCK 8 OF "BRYAN SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 13 OF SAID BLOCK 8; THENCE SOUTH 00° 00' 00" EAST, A DISTANCE OF 625.00 FEET TO THE SOUTHWEST CORNER OF LOT 24, SAID BLOCK 8; THENCE NORTH 90° 00' 00" WEST, A DISTANCE OF 10.00 FEET TO THE SOUTHEAST CORNER OF LOT 1; THENCE NORTH 00° 00' 00" EAST, A DISTANCE OF 625.00 FEET TO THE NORTHEAST CORNER OF LOT 12, SAID BLOCK 8; THENCE NORTH 90° 00' 00" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA AND CONTAINING 6,250 SQUARE FEET.



LOCATION MAP:
NOT TO SCALE

SURVEY NOTES:

1. THE LEGAL DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
2. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. IT IS A VIOLATION OF THE STANDARDS OF PRACTICE RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, TO ALTER THIS SKETCH AND DESCRIPTION WITHOUT THE EXPRESSED PRIOR WRITTEN CONSENT OF THE SURVEYOR. ADDITIONS AND DELETIONS MADE TO THE FACE OF THIS SKETCH AND DESCRIPTION WILL MAKE THIS DOCUMENT INVALID.
4. THIS SKETCH AND DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY.
5. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF NORTH ALONG THE EAST LINE OF BLOCK 8 OF "BRYAN SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

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 APRIL 06, 2018 MEETS THE STANDARDS OF PRACTICE RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

KEITH & ASSOCIATES, INC.
CONSULTING ENGINEERS

LEE POWERS
PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION No. 6805
STATE OF FLORIDA

**SKETCH & DESCRIPTION
ALLEY VACATION**

A PORTION OF BLOCK 8
BRYAN SUBDIVISION
P.B. 1, PG. 18, D.C.R.

CITY OF FORT LAUDERDALE BROWARD COUNTY FLORIDA



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. 10389 ALLEY VACATION-SKD.dwg

DATE 04/06/2018

SCALE AS SHOWN

FIELD BK. 715

DWNG. BY S.K.

CHK. BY L.P.

DATE REVISIONS

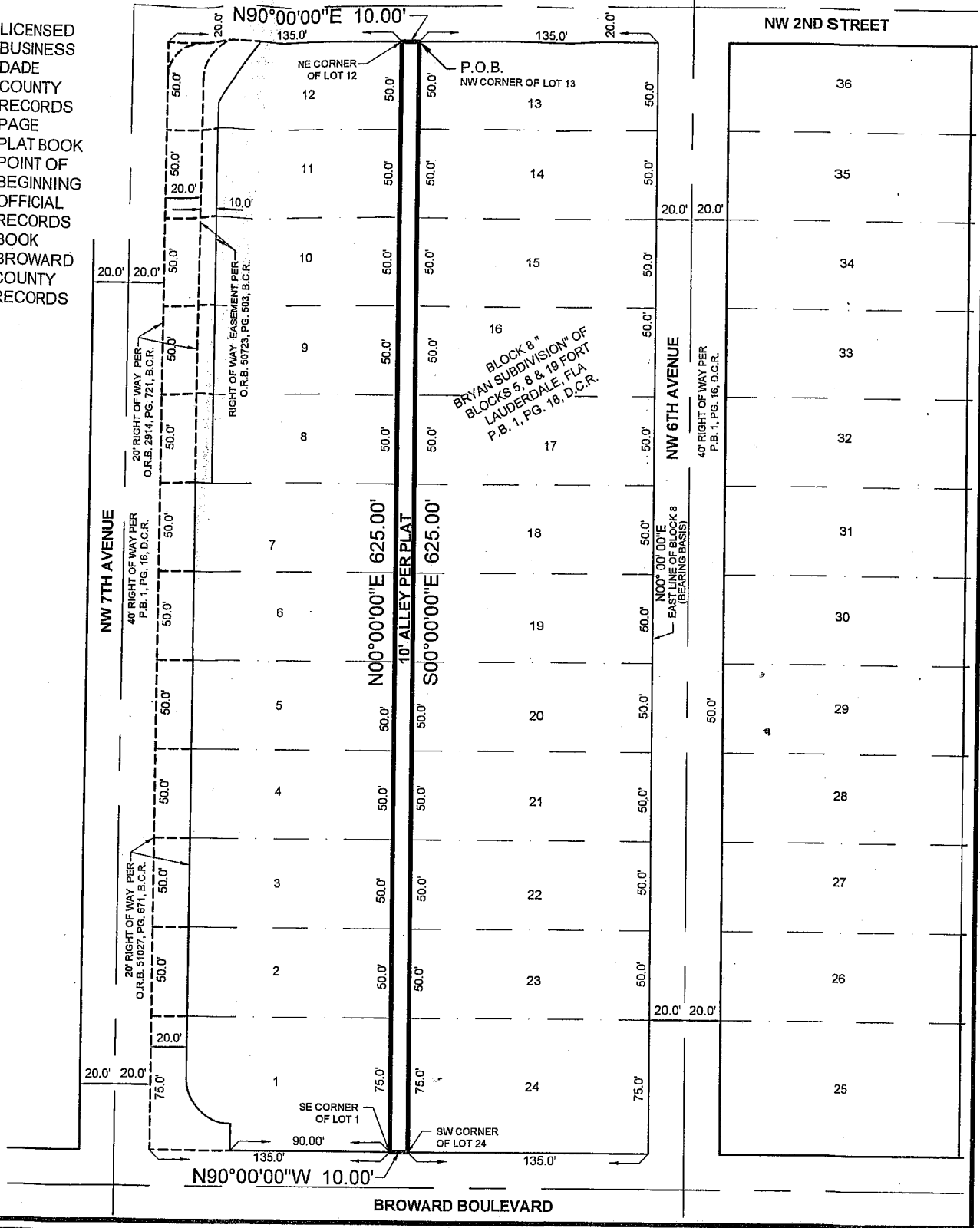
9/6/18 ENTIRE ALLEY

M.P. O.K.

LEGEND:

- L.B. LICENSED BUSINESS
- D.C.R. DADE COUNTY RECORDS
- PG. PAGE
- P.B. PLAT BOOK
- P.O.B. POINT OF BEGINNING
- O.R.B. OFFICIAL RECORDS BOOK
- B.C.R. BROWARD COUNTY RECORDS

ALLEY VACATION



SCALE: 1" = 80'

**SKETCH & DESCRIPTION
ALLEY VACATION**

A PORTION OF BLOCK 8
BRYAN SUBDIVISION
P.B. 1, PG. 18, D.C.R.

CITY OF FORT LAUDERDALE BROWARD COUNTY FLORIDA



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SHEET 2 OF 2

DRAWING NO. 10369 ALLEY VACATION-SKD.dwg

DATE 04/06/2018

SCALE 1" = 80'

FIELD BK. 715

DWNG. BY S.K.

CHK. BY L.P.

DATE	REVISIONS
9/6/18	ENTIRE ALLEY

M. D. K.

10' UTILITY EASEMENT

LEGAL DESCRIPTION:

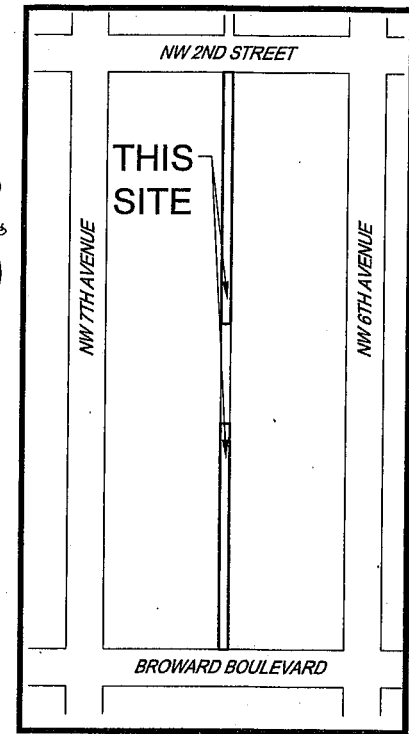
PORTIONS OF THE 10 FOOT WIDE ALLEY WAY IN BLOCK 8 OF "BRYAN SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID PORTIONS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 13 OF SAID BLOCK 8; THENCE SOUTH 00° 00' 00" EAST, A DISTANCE OF 250.00 FEET TO THE SOUTHWEST CORNER OF LOT 17, SAID BLOCK 8 AND A POINT HEREAFTER REFERRED TO AS REFERENCE POINT "A"; THENCE SOUTH 90° 00' 00" WEST, A DISTANCE OF 10.00 FEET TO THE NORTHEAST CORNER OF LOT 7, SAID BLOCK 8; THENCE NORTH 00° 00' 00" EAST A DISTANCE OF 250.00 FEET TO THE NORTHEAST CORNER OF LOT 12, SAID BLOCK 8; THENCE NORTH 90° 00' 00" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

COMMENCING AT THE AFOREMENTIONED REFERENCE POINT "A"; THENCE SOUTH 00° 00' 00" EAST, A DISTANCE OF 100.00 FEET TO THE NORTHWEST CORNER OF LOT 20, SAID BLOCK 8 AND THE POINT OF BEGINNING; THENCE SOUTH 00° 00' 00" EAST, A DISTANCE OF 275.00 FEET TO THE SOUTHWEST CORNER OF LOT 24, SAID BLOCK 8; THENCE NORTH 90° 00' 00" WEST, A DISTANCE OF 10.00 FEET TO THE SOUTHEAST CORNER OF LOT 1, SAID BLOCK 8; THENCE NORTH 00° 00' 00" EAST, A DISTANCE OF 275.00 FEET TO THE NORTHEAST CORNER OF LOT 5, SAID BLOCK 8; THENCE NORTH 90° 00' 00" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

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CERTIFICATION:

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KEITH & ASSOCIATES, INC.
CONSULTING ENGINEERS

LEE POWERS
PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION No. 6805
STATE OF FLORIDA

SKETCH & DESCRIPTION 10' UTILITY EASEMENT

A PORTION OF BLOCK 8
BRYAN SUBDIVISION
P.B. 1, PG. 18, D.C.R.

CITY OF FORT LAUDERDALE BROWARD COUNTY FLORIDA



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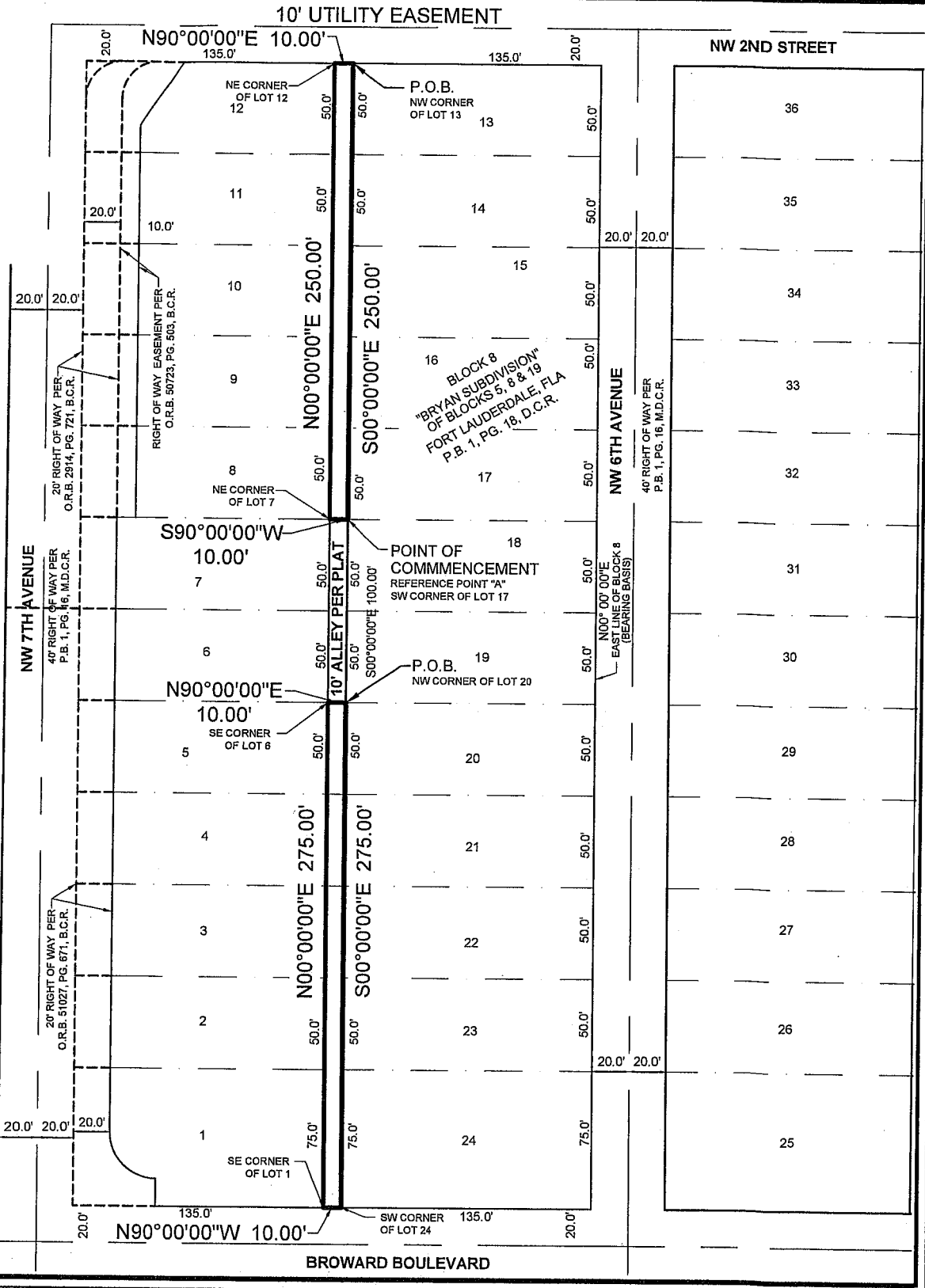
SHEET 1 OF 2
DRAWING NO. 10369 UTILITY EASEMENT-SKD.dwg

DATE	10/03/18	DATE	REVISIONS
SCALE	AS SHOWN		
FIELD BK.	715		
DWNG. BY	D.B.		
CHK. BY	L.P.		

n. D. O.K

LEGEND:

- L.B. LICENSED BUSINESS RECORDS
- D.C.R. DADE COUNTY RECORDS
- PG. PAGE
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SCALE: 1" = 80'

SKETCH & DESCRIPTION
10' UTILITY EASEMENT

A PORTION OF BLOCK 8
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SHEET 2 OF 2
 DRAWING NO. 10369 UTILITY EASEMENT-SKD.dwg

DATE	10/03/18	DATE	REVISIONS
SCALE	1" = 80'		
FIELD BK.	715		
DWNG. BY	D.B.		
CHK. BY	L.P.		

EXHIBIT "C"

**CONDITIONS OF APPROVAL
CASE NO. V18007**

1. As to the portion of the alleyway fronting Lots 6,7,18 and 19: Florida Power and Light (FPL), AT&T and Comcast are known to have existing facilities within the alley. The applicant shall provide concurrency/correspondence from these utility owners regarding the proposed conceptual utility relocation plan and any easement requirements associated with the relocation/removal of their facilities. Prior to the Engineer certificate being executed, letters from these utility owners shall be provided to the City Engineer or designee, indicating utility owner satisfaction with the relocation and/or removal of their facilities and any other provisions required by the franchise utilities for utility relocation.
2. As to the portion of the alleyway fronting Lots 6,7,18 and 19: 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 Public Works Department;
3. As to the portion of the alleyway fronting Lots 6,7,18 and 19: 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,
4. As to the portion of the alleyway front Lots 6, 7, 18 and 19, ~~¶~~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.