

This instrument prepared by  
and return to:

Andrew J. Schein, Esq.  
LOCHRIE & CHAKAS, P.A.  
1401 E. Broward Boulevard, Suite 303  
Fort Lauderdale, FL 33301

Folio numbers: 504210210100, 504210210140 and  
504210210130

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**ACCESS EASEMENT AGREEMENT**

**THIS ACCESS EASEMENT AGREEMENT** ("Agreement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by CAMM EDUCATIONAL ENTERPRISES, INC., a Florida Corporation, whose principal address is 120 NW 7<sup>th</sup> Avenue, Fort Lauderdale, FL 33311 ("CAMM") and THE CITY OF FORT LAUDERDALE, a Florida Municipal Corporation, whose principal address is 100 North Andrews Avenue, Fort Lauderdale, FL 33301 ("CITY").

**W I T N E S S E T H:**

**WHEREAS**, CAMM is the owner of certain real property located in Fort Lauderdale, Florida, more particularly described on Exhibit "A" attached hereto and made a part hereof ("CAMM Property"); and

**WHEREAS**, CITY is the owner of certain real property located in Fort Lauderdale, Florida, more particularly described on Exhibit "B" attached hereto and made a part hereof ("CITY Property"). Collectively, "CAMM Property" and "CITY Property" may hereinafter be referred to as "Parcel(s)"; and

**WHEREAS**, the CAMM Property and City Property are located adjacent to a public alley which was vacated by the City pursuant to Ordinance No. C-19-05 adopted on February 5, 2019 a copy of which is attached hereto as Exhibit "C";

**WHEREAS**, CAMM utilizes the alley for vehicular access to NW 2<sup>nd</sup> Street and in order to provide for continued access, the City desires to grant to CAMM and the present and future owners, respective employees, agents, contractors, customers, invitees, mortgagees and licensees of the CAMM Property an easement over that portion of the City Property shown on Exhibit "D" attached hereto and made a part hereof ("Easement Area"); and

**WHEREAS**, the City Commission of the City of Fort Lauderdale, by Motion adopted on February 5, 2019, has authorized execution of this Agreement by the property CITY officials; and

**NOW, THEREFORE**, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby declare as follows:

1. Recitals. The above recitals are true and correct and are incorporated herein in their entirety.

2. Easement in favor of CAMM. Subject to any express conditions, limitation or reservations contained herein, CITY does hereby declare and grant to CAMM a non-exclusive, perpetual easement for reasonable access, ingress and egress over the Easement Area, so as to provide for the passage of motor vehicles between the CAMM Property and NW 2<sup>nd</sup> Street.

3. Maintenance of Easement Area. CAMM shall be responsible for maintaining the Easement Area at its expense including without limitation, maintaining and repairing the surfaces of Easement Area, removing refuse from and periodically sweeping the Easement Area to the extent necessary to maintain same in a clean, safe and orderly condition.

4. No Cross-Parking. Notwithstanding any of the rights and obligations created by this Agreement, CAMM shall not be entitled to parking rights in the Easement Area, nor shall the CAMM permit their respective tenants, guests or invitees to park within or upon such Easement Area, unless consented to in writing by the City Manager or his or her designee. CAMM shall use commercially reasonable efforts to prevent such parking (including, without limitation, the towing of and imposition of fines on vehicles parking in violation of this Paragraph 4).

5. All Legal and Equitable Remedies Available. In the event of a breach or threatened breach by CITY or CAMM or its permittees of any of the terms, covenants, restrictions or conditions hereof, the other non-breaching party shall be entitled forthwith to full and adequate relief by injunction and/or all such other available legal and equitable remedies from the consequences of such breach, including payment of any amounts due and/or specific performance. No breach hereunder shall entitle any Party to cancel, rescind, or otherwise terminate this Agreement.

6. Failure to Maintain. In addition to all other remedies available at law or in equity, the non-breaching party shall, upon the failure of the breaching party to cure a breach of this Agreement within thirty (30) days following written notice thereof by the non-breaching party shall have the right to perform such obligation contained in this Agreement on behalf of the breaching party and be reimbursed by the non-breaching party upon demand for the reasonable costs thereof together.

7. Indemnification by CAMM. Notwithstanding anything to the contrary contained in this Agreement, CAMM hereby agrees that it shall indemnify, defend and hold the CITY harmless from and against any and all costs, expenses, losses, claims, damages and/or liabilities (including, without limitation, reasonable attorneys' fees) incurred by CAMM as a result of or relating to accidents, injuries, loss, or damages of or to any person or property arising from the negligent, intentional or willful acts or omissions CAMM, its contractors, employees, agents or others acting on behalf of CAMM on, about or affecting the Easement Area. The foregoing indemnifications shall extend to any personal injury, death of persons or destruction of property occurring on CITY Property.

8. Notices. Whenever either party desires to give notice unto the other, it must be given by written notice, sent by certified mail, addressed to the party for whom it is intended at the place last specified. The place for giving of notice shall remain such until it shall have been changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective place for giving of notice, to-wit:

For City: Christopher J. Lagerbloom, City Manager  
City of Fort Lauderdale  
100 N. Andrews Avenue, 7<sup>th</sup> Floor  
Fort Lauderdale, FL 33301

Copy to: Alain Boileau, City Attorney  
City of Fort Lauderdale  
100 N. Andrews Avenue, 7<sup>th</sup> Floor  
Fort Lauderdale, FL 33301

For CAMM: CAMM EDUCATIONAL ENTERPRISES, INC.  
Anthony Ajakie  
120 NW 7<sup>th</sup> Avenue  
Fort Lauderdale, FL 33311

Copy to: Nectaria M. Chakas, Esq.  
Lochrie & Chakas, P.A.  
1401 E. Broward Boulevard, Suite 303  
Ft. Lauderdale, FL 33301

9. Amendments. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by the CITY and CAMM and recorded in the Public Records of Broward County, Florida.

10. Recording. This Agreement shall not be effective until recorded in the Public Records of Broward County, Florida.

11. Miscellaneous. It is intended that this Agreement, and the easements, covenants, conditions, restrictions, rights and obligations set forth herein shall run with the land, shall bind every person having any fee, leasehold or other interest therein, and shall inure to the benefit of the respective parties and their successors, assigns and heirs and personal representatives. This Agreement contains the complete understanding and agreement of the parties hereto with respect to all matters referred to herein, and all prior representations, negotiations and understandings (verbal and written) are superseded hereby.

12. Jurisdiction and Attorney's Fees. This Agreement shall be construed in accordance with the laws of the State of Florida. In the event of any litigation arising from or in any way related to this Agreement, (a) CAMM and CITY each **waive trial by jury**, and (b) the prevailing

party shall be entitled to its reasonable attorneys' fees and costs actually incurred through and including any appellate proceeding.

13. Estoppel Certificates. CAMM and the CITY, within thirty (30) days of its receipt of a written request from either party, shall, from time to time, provide the requesting party a certificate binding upon such party stating that: (a) to the best of such party's knowledge, whether any party to this Agreement is in default or violation of this Agreement and, if so, identifying such violation; and (b) that this Agreement is in full force and effect. If a party fails to timely execute an estoppel certificate, the requesting party may execute and deliver such estoppel certificate as the attorney-in-fact for the party who failed to timely provide such estoppel certificate.

14. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original.

SIGNATURES ON FOLLOWING PAGES

**IN WITNESS OF THE FOREGOING**, the parties have set their hands and seals the day and year first written above.

**CITY OF FORT LAUDERDALE**

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_  
Dean J. Trantalis Mayor

\_\_\_\_\_  
[Witness print or type name]

\_\_\_\_\_  
Christopher J. Lagerbloom, ICMA-CM  
City Manager

\_\_\_\_\_  
[Witness print or type name]

ATTEST:

\_\_\_\_\_  
Jeffrey A. Modarelli, City Clerk

APPROVED AS TO FORM:  
by Alain Boileau, City Attorney

\_\_\_\_\_  
Shari Wallen, Esq.  
Assistant City Attorney

WITNESSES:

CAMM EDUCATIONAL ENTERPRISES, INC.,  
a Florida Corporation

Printed Name: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

CORPORATE SEAL

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by \_\_\_\_\_, as  
\_\_\_\_\_ of CAMM EDUCATIONAL ENTERPRISES, INC., a Florida Corporation,  
and that he/she acknowledged to me, that he/she executed the foregoing instrument on behalf of  
the corporation, freely and voluntarily under authority duly vested in him/her by said corporation.  
He is personally known to me or has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day  
of \_\_\_\_\_, 201\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
(Signature of Notary Public)

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name  
of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

# EXHIBIT "A"

## LEGAL DESCRIPTION:

LOTS 8, 9 AND 10, ALL IN BLOCK 8 OF BRYAN'S SUBDIVISION OF BLOCKS 5, 8, AND 19, OF THE TOWN OF FORT LAUDERDALE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LESS THE WEST 20 FEET THEREOF FOR ROAD RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 2914, PAGE 721 OF THE PUBLIC RECORD OF BROWARD COUNTY, FLORIDA.

AND

LOTS 11 AND 12 OF BLOCK 8, BRYAN'S SUBDIVISION OF BLOCKS 5, 8, AND 19, OF THE TOWN OF FORT LAUDERDALE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; LESS THE FOLLOWING RIGHT-OF-WAY DEEDED TO THE CITY OF FORT LAUDERDALE: A PORTION OF LOTS 11 AND 12, OF BRYAN'S SUBDIVISION OF BLOCKS 5, 8, AND 19, OF THE TOWN OF FORT LAUDERDALE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF LOT 12; THENCE GO EASTERLY 40.04 FEET ALONG THE NORTH LINE OF LOT 12 TO THE TANGENT POINT OF A RADIAL RETURN CONCAVE TO THE SOUTHEAST; THENCE WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID RETURN, HAVING A RADIUS OF 20 FEET, AN ARC DISTANCE OF 31.46 FEET TO A POINT 20 FEET EAST OF THE WEST LINE OF LOT 12; THENCE SOUTHERLY AND PARALLEL TO THE WEST LINES OF LOTS 12 AND 11, 79.96 FEET TO THE SOUTH LINE OF LOT 11; THENCE WESTERLY 20 FEET TO THE SOUTHWEST CORNER OF LOT 11; THENCE NORTHERLY 100 FEET TO THE NORTHWEST CORNER OF LOT 12 AND THE POINT OF BEGINNING.

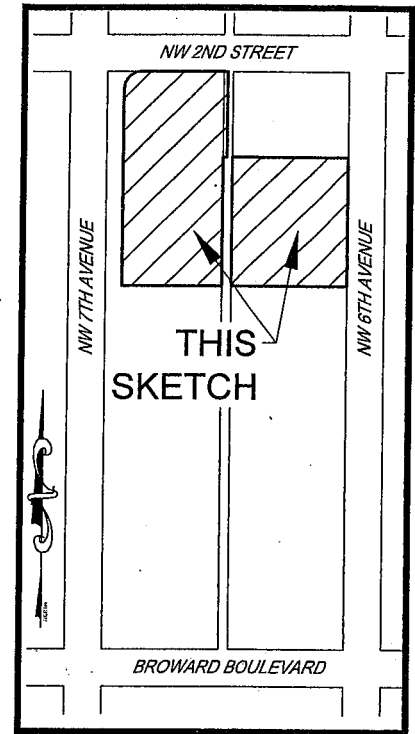
TOGETHER WITH

LOTS 15, 16 AND 17, BLOCK 8, BRYAN'S SUBDIVISION OF BLOCKS 5, 8, AND 19, OF THE TOWN OF FORT LAUDERDALE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

ALSO TOGETHER WITH:

THE WEST 5 FEET OF THAT VACATED ALLEY LYING EAST OF AND ABUTTING LOTS 11 AND 12, PURSUANT TO THE CITY OF FORT LAUDERDALE ORDINANCE NO. \_\_\_\_\_, RECORDED AS INSTRUMENT NO. \_\_\_\_\_ IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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



**LOCATION MAP:**  
NOT TO SCALE

## SURVEY NOTES:

1. THE LEGAL DESCRIPTION SHOWN HEREON WAS PROVIDED TO 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 DECEMBER 21, 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

*[Signature]*  
LEE POWERS  
PROFESSIONAL SURVEYOR AND MAPPER  
REGISTRATION No. 6905  
STATE OF FLORIDA

## SKETCH & DESCRIPTION

### EXHIBIT "A"

### CAMM PROPERTY

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

CITY OF FORT LAUDERDALE BROWARD COUNTY FLORIDA



301 EAST ATLANTIC BOULEVARD  
POMPANO BEACH, FLORIDA 33060-6643  
(954) 788-3400 FAX (954) 788-3500  
EMAIL: mail@KEITHteam.com LB NO. 6860

SHEET 1 OF 2

DRAWING NO. 10369 EXHIBIT "A" - SKD.dwg

DATE 12/21/18

SCALE AS SHOWN

FIELD BK. 715

DWNG. BY D.B.

CHK. BY L.P.

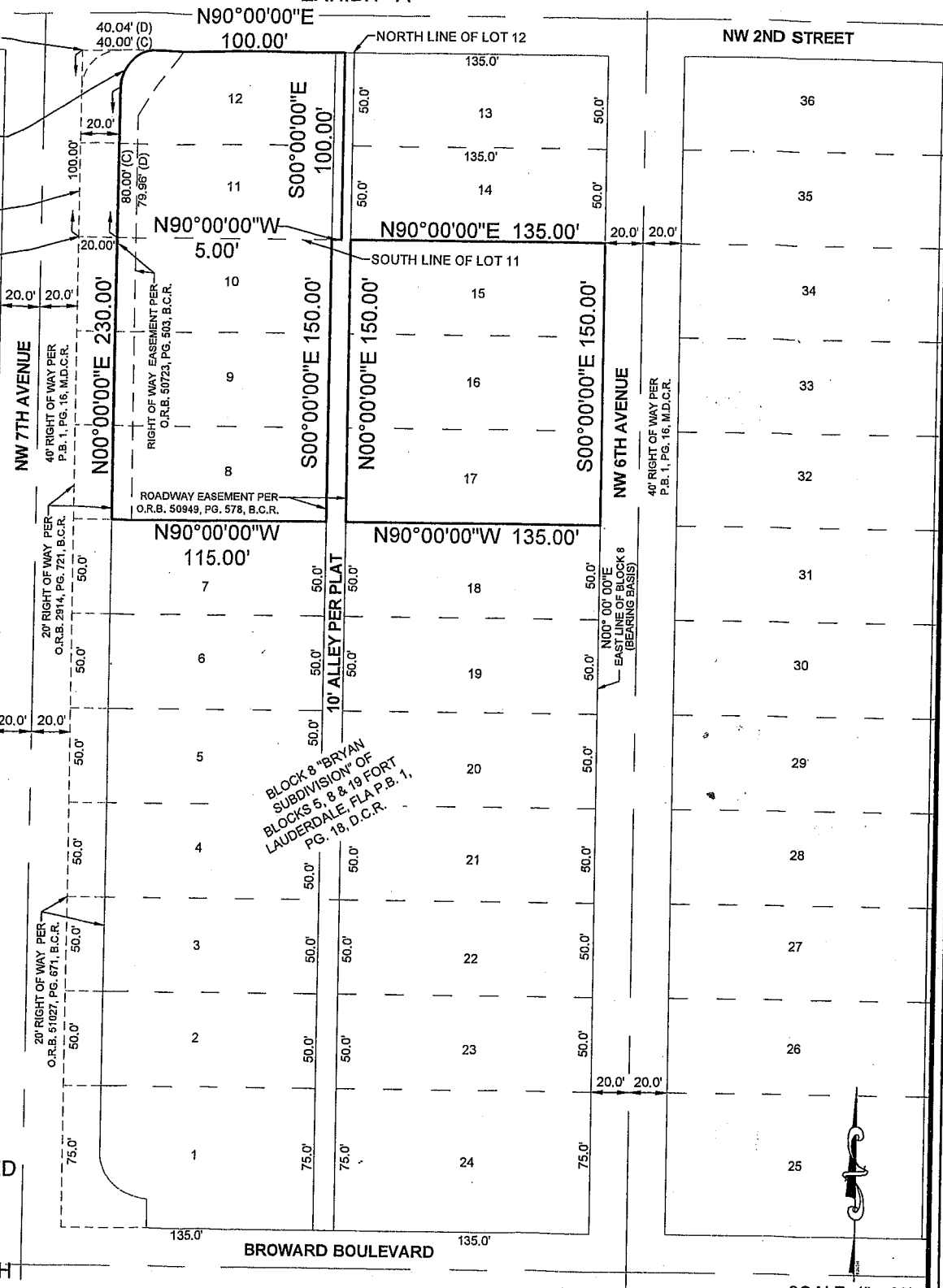
DATE REVISIONS

1/25/18 CITY REVISIONS

4.10.0.k.

# EXHIBIT "A"

POINT OF BEGINNING  
N.W. CORNER OF LOT 12  
R=20.00'  
Δ=90°00'00"  
L=31.42'(C)  
31.46'(D)  
WEST LINE OF LOTS 11 & 12  
S.W. CORNER OF LOT 11



## LEGEND:

- B.C.R. BROWARD COUNTY RECORDS
- D.C.R. DADE COUNTY RECORDS
- L.B. LICENSED BUSINESS RECORDS
- O.R.B. OFFICIAL RECORDS BOOK
- PG. PAGE
- P.B. PLAT BOOK
- (D) PER DEED
- (C) PER CALCULATED
- R RADIUS
- Δ CENTRAL ANGLE
- L ARC LENGTH

BLOCK 8 "BRYAN SUBDIVISION" OF BLOCKS 5, 8 & 19 FORT LAUDERDALE, FLA P.B. 1, PG. 18, D.C.R.

SCALE: 1" = 80'

## SKETCH & DESCRIPTION EXHIBIT "A" CAMM PROPERTY

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



301 EAST ATLANTIC BOULEVARD  
POMPAHO BEACH, FLORIDA 33060-6643  
(954) 788-3400 FAX (954) 788-3500  
EMAIL: mail@KEITHteam.com LB NO. 6860

SHEET 2 OF 2

DRAWING NO. 10369 EXHIBIT "A" - SKD.dwg

DATE 12/21/18  
SCALE 1" = 80'  
FIELD BK. 715  
DWNG. BY D.B.  
CHK. BY L.P.

DATE	REVISIONS
1/25/18	CITY REVISIONS

# EXHIBIT "B"

M.D. O.K.

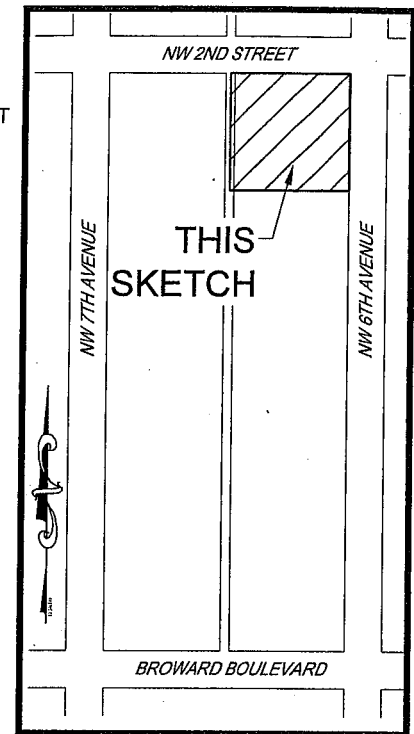
## LEGAL DESCRIPTION:

LOTS 13 AND 14, BLOCK 8, BRYAN'S SUBDIVISION OF BLOCK 5, 8, AND 19 OF THE TOWN OF FORT LAUDERDALE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

## TOGETHER WITH:

THE EAST 5 FEET OF THAT VACATED ALLEY LYING WEST OF AND ABUTTING LOTS 13 AND 14, PURSUANT TO THE CITY OF FORT LAUDERDALE ORDINANCE NO. \_\_\_\_\_, RECORDED AS INSTRUMENT NO. \_\_\_\_\_ IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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



**LOCATION MAP:**  
NOT TO SCALE

## SURVEY NOTES:

1. THE LEGAL DESCRIPTION SHOWN HEREON WAS PROVIDED TO 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 DECEMBER 21, 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*

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

## SKETCH & DESCRIPTION EXHIBIT "B" CITY PROPERTY

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

CITY OF FORT LAUDERDALE BROWARD COUNTY FLORIDA



301 EAST ATLANTIC BOULEVARD  
POMPANO BEACH, FLORIDA 33060-6643  
(954) 788-3400 FAX (954) 788-3500  
EMAIL: mail@KEITHteam.com LB NO. 6860

SHEET 1 OF 2

DRAWING NO. 10369 EXHIBIT "B"-SKD.dwg

DATE 12/21/18

SCALE AS SHOWN

FIELD BK. 715

DWNG. BY D.B.

CHK. BY L.P.

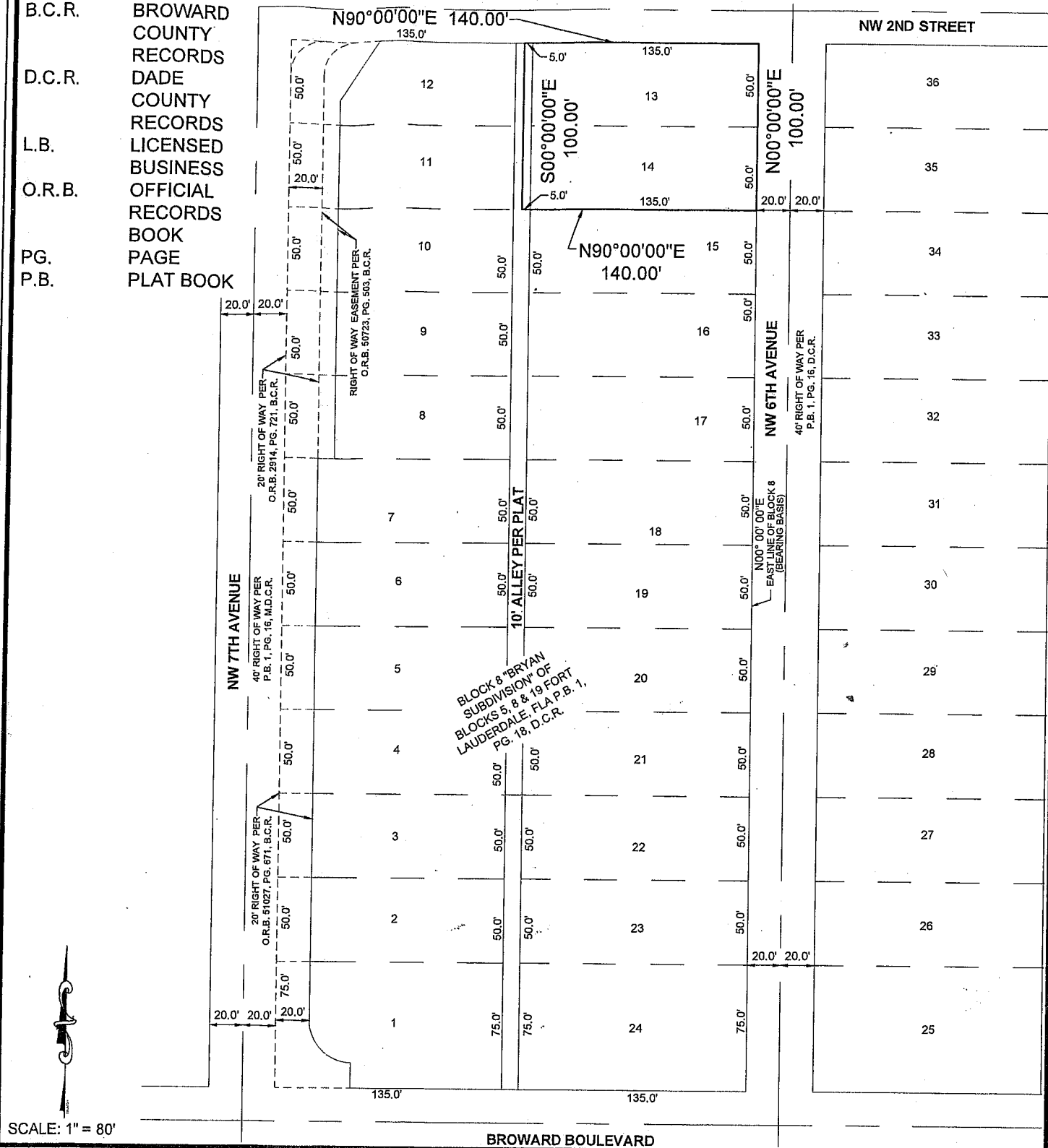
DATE	REVISIONS
1/25/18	CITY REVISIONS

M.D. O.K.

**LEGEND:**

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

**EXHIBIT "B"**



SCALE: 1" = 80'

**SKETCH & DESCRIPTION**

**EXHIBIT "B"**  
**CITY PROPERTY**

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

CITY OF FORT LAUDERDALE BROWARD COUNTY FLORIDA



301 EAST ATLANTIC BOULEVARD  
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SHEET 2 OF 2

DRAWING NO. 10369 EXHIBIT "B"-SKD.dwg

DATE 12/21/18

SCALE 1" = 80'

FIELD BK. 715

DWNG. BY D.B.

CHK. BY L.P.

DATE REVISIONS

1/25/18 CITY REVISIONS

CAM # 19-0124

Exhibit 2

Page 10 of 20

## Exhibit "C"

### 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 2<sup>ND</sup> STREET, EAST OF NORTHWEST 7<sup>TH</sup> AVENUE AND WEST OF NORTHWEST 6<sup>TH</sup> 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.

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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 2<sup>nd</sup> Street, east of Northwest 7<sup>th</sup> Avenue and west of Northwest 6<sup>th</sup> 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 22<sup>nd</sup> 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.

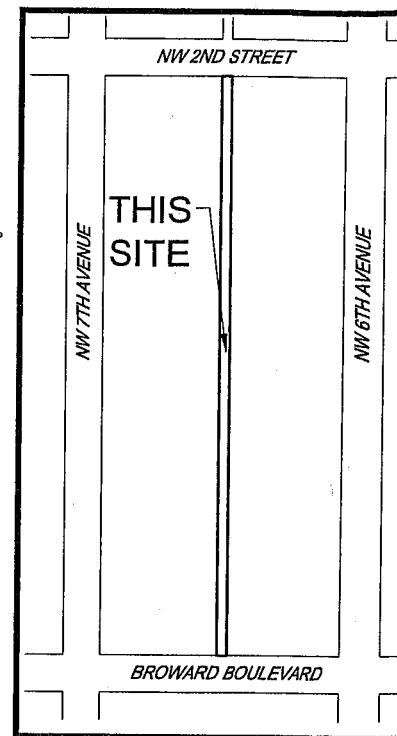
# ALLEY VACATION

## 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

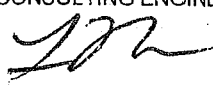
## SURVEY NOTES:

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

**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. 10369 ALLEY VACATION-SKD.dwg

DATE 04/06/2018

SCALE AS SHOWN

FIELD BK. 715

DWNG. BY S.K.

CHK. BY L.P.

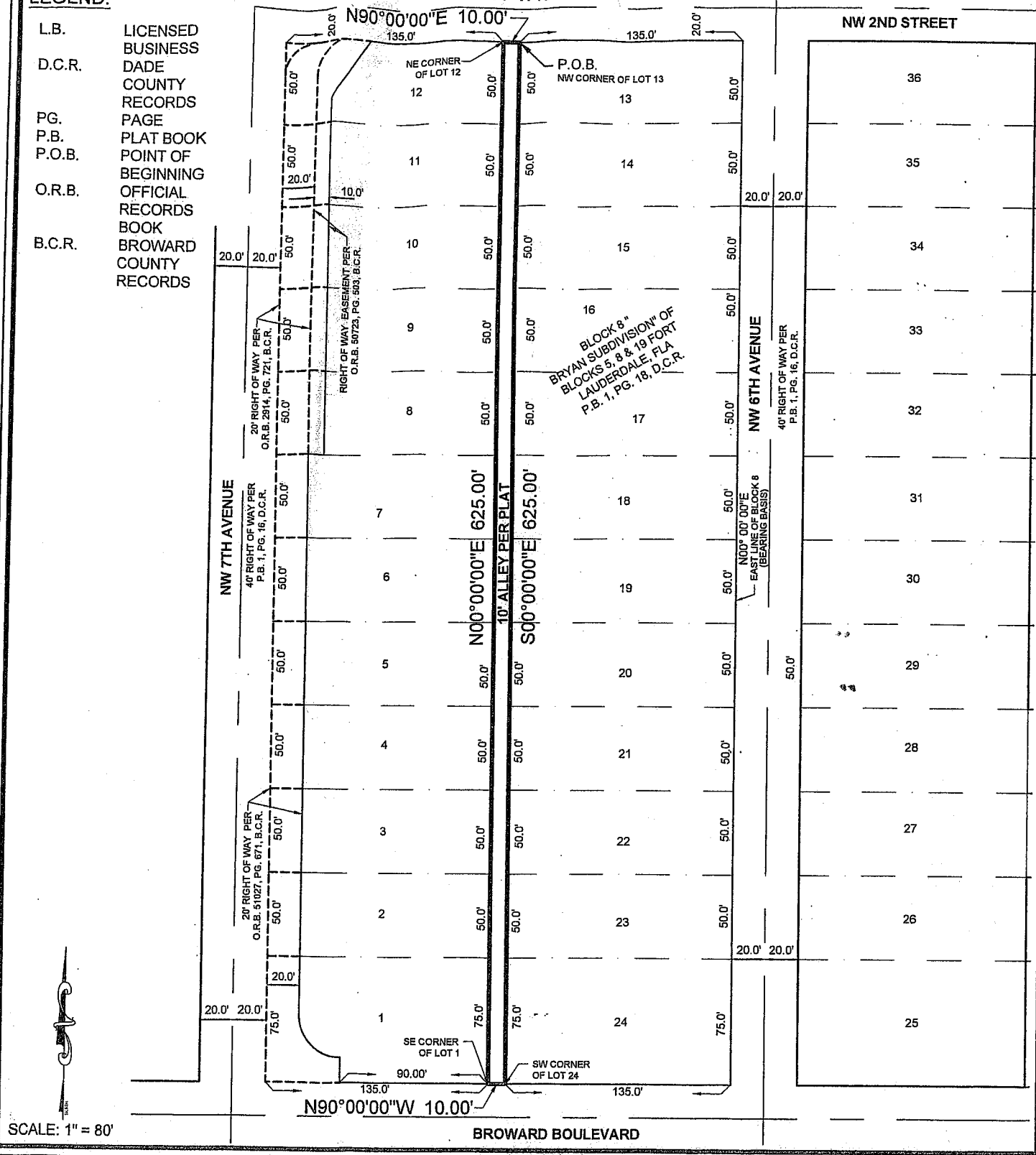
DATE	REVISIONS
9/6/18	ENTIRE ALLEY

My D.O.K.

**LEGEND:**

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

**ALLEY VACATION**



**SKETCH & DESCRIPTION  
ALLEY VACATION**

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

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

SHEET 2 OF 2

DRAWING NO. 10389 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

CITY OF FORT LAUDERDALE BROWARD COUNTY FLORIDA

CAM # 19-0124

Exhibit 2

Page 15 of 20

M 10. D.K.

# 10' UTILITY EASEMENT

## LEGAL DESCRIPTION:

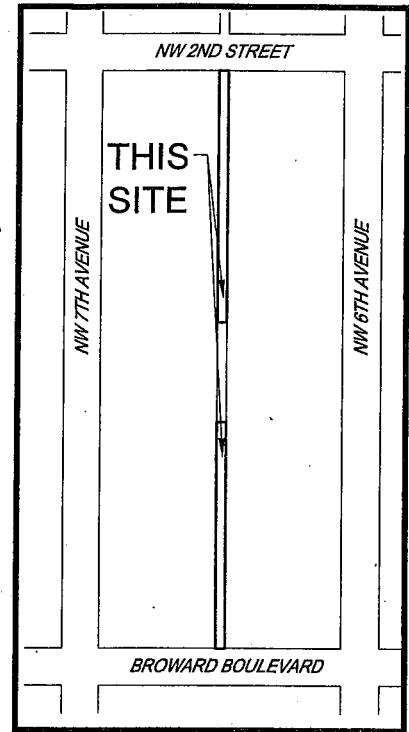
PORTIONS OF THE 10 FOOT WIDE ALLEY WAY IN BLOCK 8 OF "BRYAN SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID PORTIONS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA AND CONTAINING 5,250 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 OCTOBER 03, 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*

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

**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. 10369 UTILITY EASEMENT-SKD.dwg

DATE 10/03/18

SCALE AS SHOWN

FIELD BK. 715

DWNG. BY D.B.

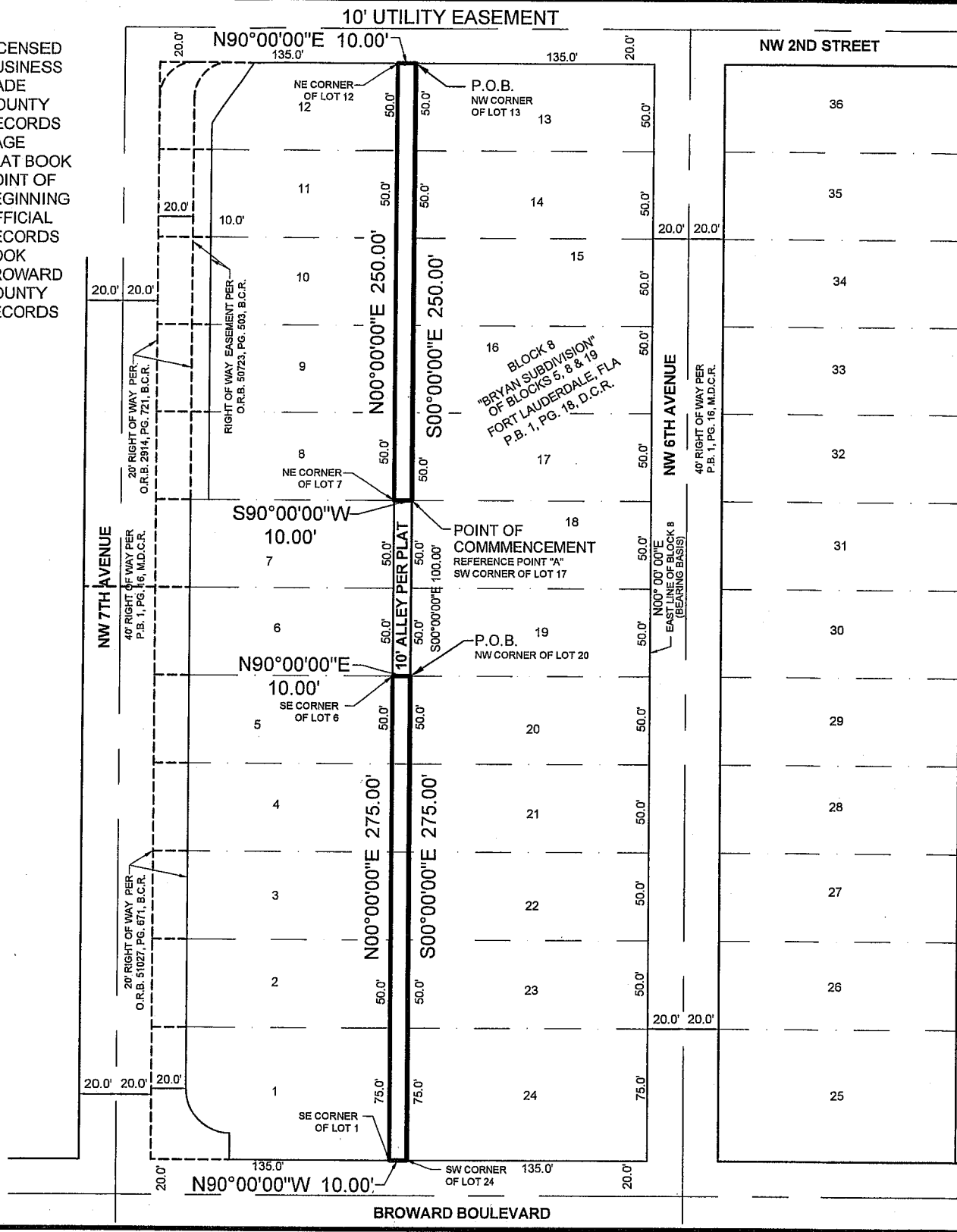
CHK. BY L.P.

DATE	REVISIONS

n. D. 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



SCALE: 1" = 80'

**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

**KEITH & ASSOCIATES, INC.**

consulting engineers  
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EMAIL: mail@keith-associates.com LB NO. 6860

SHEET 2 OF 2

DRAWING NO. 10369 UTILITY EASEMENT-SKD.dwg

DATE 10/03/18

SCALE 1" = 80'

FIELD BK. 715

DWNG. BY D.B.

CHK. BY L.P.

DATE	REVISIONS

CAM # 19-0124

Exhibit 2

Page 17 of 20

**EXHIBIT "C"**

**CONDITIONS OF APPROVAL  
CASE NO. V18007**

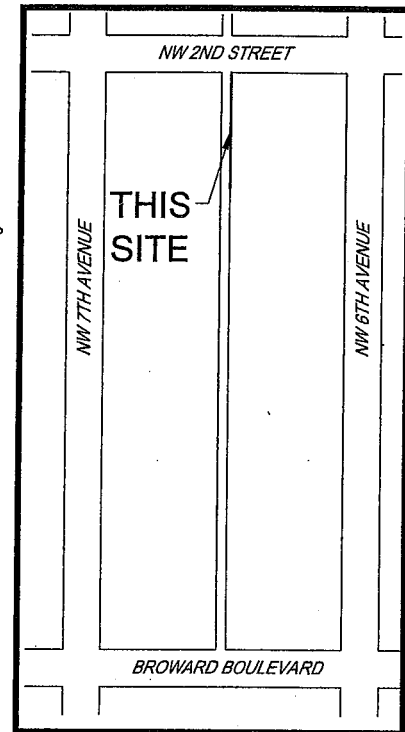
1. As to the portion of the alleyway fronting Lots 6,7,18 and 19: Florida Power and Light (FPL), AT&T and Comcast are known to have existing facilities within the alley. The applicant shall provide concurrency/correspondence from these utility owners regarding the proposed conceptual utility relocation 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~~ 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.

## 5.00' ACCESS EASEMENT (EAST)

LEGAL DESCRIPTION:

THE EAST 5.00 FEET OF THAT CERTAIN 10.00 FOOT WIDE ALLEY, LYING WEST OF LOTS 13 AND 14, ALL IN BLOCK 8, BRYAN'S SUBDIVISION OF BLOCKS 5, 8, AND 19 OF THE TOWN OF FORT LAUDERDALE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA AND CONTAINING 500 SQUARE FEET MORE OR LESS.



**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 OCTOBER 4, 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*

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

**SKETCH & DESCRIPTION**  
**5.00' ACCESS**  
**EASEMENT (EAST)**

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

CITY OF FORT LAUDERDALE BROWARD COUNTY FLORIDA

**KEITH**  
ASSOCIATES, INC.  
consulting engineers

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EMAIL: mail@keith-associates.com LB NO. 6860

SHEET 1 OF 2

DRAWING NO. 10369 CROSS ACCESS EAST-SKD.dwg

DATE 10/04/18

SCALE AS SHOWN

FIELD BK. 715

DWNG. BY D.B.

CHK. BY L.P.

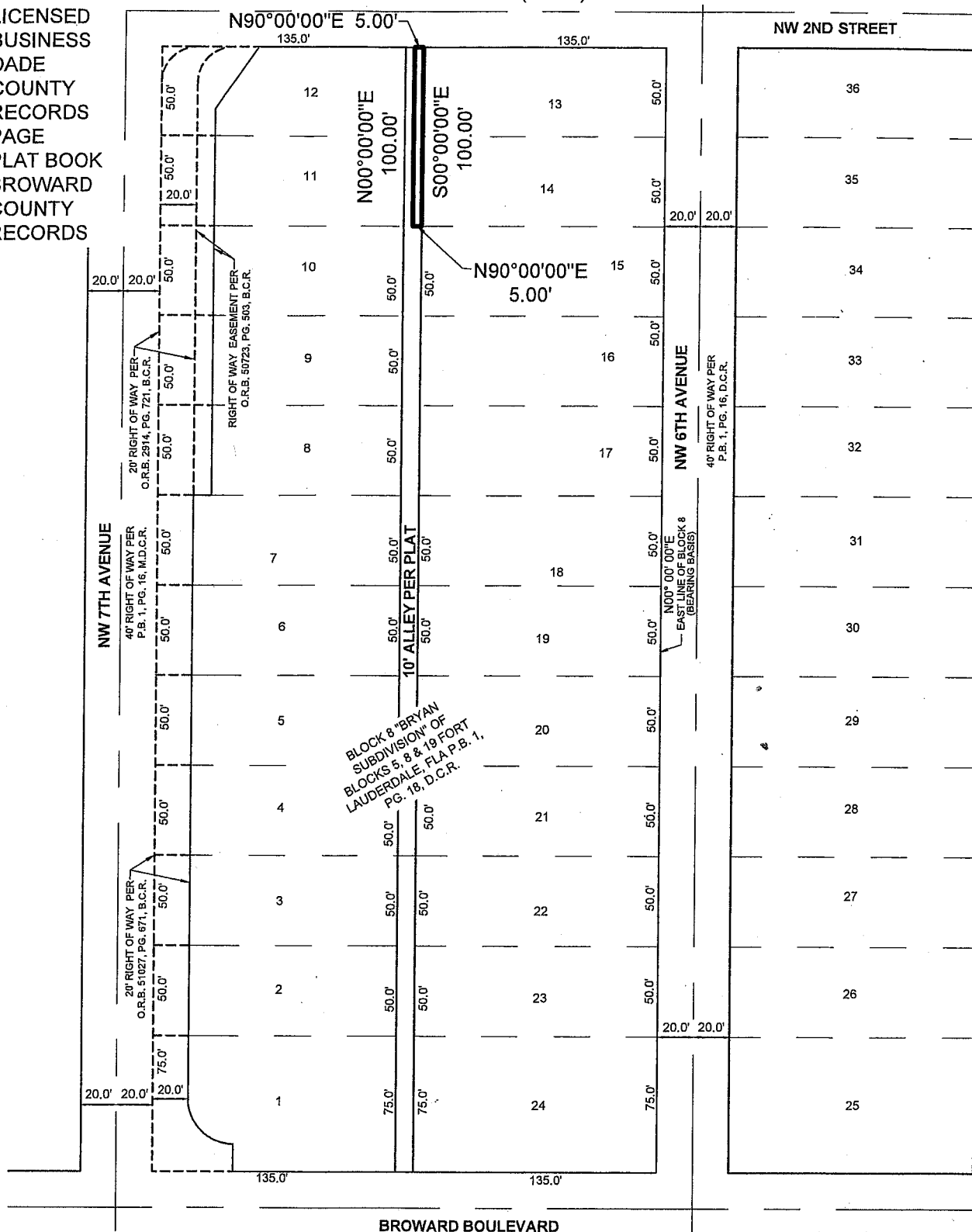
DATE	REVISIONS
12/12/18	REMOVED CROSS

M.D.O.K.

**LEGEND:**

L.B. LICENSED  
D.C.R. BUSINESS  
PG. DADE  
P.B. COUNTY  
B.C.R. RECORDS  
PAGE  
PLAT BOOK  
BROWARD  
COUNTY  
RECORDS

**5.00' ACCESS EASEMENT (EAST)**



SCALE: 1" = 80'

**SKETCH & DESCRIPTION**  
**5.00' ACCESS**  
**EASEMENT (EAST)**

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

CITY OF FORT LAUDERDALE BROWARD COUNTY FLORIDA

**KEITH**  
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EMAIL: mail@keith-associates.com LB NO. 6860

SHEET 2 OF 2

DRAWING NO. 10369 CROSS ACCESS EAST-SKD.dwg

DATE 10/04/18

SCALE 1" = 50'

FIELD BK. 715

DWNG. BY D.B.

CHK. BY L.P.

DATE 12/12/18 REVISIONS  
REMOVED CROSS

CAM # 19-0124

Exhibit 2

Page 20 of 20