ORDINANCE NO. C-19-

AN ORDINANCE VACATING THE ALLEY RESERVATION FOR THE EAST 7.50 FEET OF LOTS 25 THROUGH 34, TOGETHER WITH THE WEST 7.50 FEET OF LOTS 15 THROUGH 24, ALL IN BLOCK 253, "PROGRESSO", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED NORTH OF NORTHEAST 8TH STREET, SOUTH OF NORTHEAST 9TH STREET, EAST OF NORTHEAST 5TH AVENUE AND WEST OF NORTHEAST 5TH TERRACE, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

WHEREAS, the applicants, RWL 8 LLC, 812 N.E. 5th Avenue LLC, Boye's Gas Serv, LLC, and Helping Abused Neglected Disadvantaged Youth, Inc., 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 January 16, 2019 (PZ Case No. V18008), 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, March 19, 2019, and April 2, 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 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 Northeast 8th Street, south of Northeast 9th Street, east of Northeast 5th Avenue and west of Northeast 5th Terrace, 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 ____ day of _____, 2019.
PASSED SECOND READING this the _____ day of _____, 2019.

_____
Mayor
DEAN J. TRANTALIS

ATTEST:

_____
City Clerk
JEFFREY A. MODARELLI

M.D.O.K.

SKETCH OF DESCRIPTION

ALLEY WAY VACATION

A PORTION OF BLOCK 253 PROGRESSO, PLAT BOOK 2 PAGE 18
DADE COUNTY FLORIDA PUBLIC RECORDS
SAID LANDS LYING IN THE CITY OF FORT LAUDERDALE BROWARD COUNTY FLORIDA

A PORTION OF LAND LYING WITHIN BLOCK 253 OF THE PROGRESSO PLAT AS RECORDED IN PLAT BOOK 2 PAGE 18 OF THE DADE PUBLIC RECORDS SAID PORTION BEING INDICATED AS A 15 FOOT WIDE ALLEYWAY ON SAID PLAT AND LYING 7 AND ONE-HALF FEET ON EACH SIDE AND PARALLEL TO THE FOLLWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 24 OF BLOCK 253 OF SAID PROGRESSO PLAT;

THENCE ALONG THE SOUTH LINE OF LOT 24 BEING THE SOUTH LINE OF SAID BLOCK 253 SOUTH 87°50'45" WEST A DISTANCE OF 135.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 24 AND THE POINT OF BEGINNING OF SAID ALLEYWAY CENTERLINE;

THENCE ALONG SAID CENTERLINE NORTH 02°09'15" WEST A DISTANCE OF 250.00 FEET TO THE NORTHWEST CORNER OF LOT 15 BLOCK 253 OF SAID PROGRESSO PLAT AND THE POINT OF TERMINATION OF SAID CENTERLINE.

THE ENDPOINTS OF SAID 15 FOOT ALLEYWAY TO LIE AT 90 DEGREES AND 7 AND ONE-HALF FEET ON EACH SIDE OF SAID CENTERLINE;

SAID ALLEYWAY INDICATED AT THE REAR PROPERTY LINES OF LOTS 15 THROUGH 34, BLOCK 253 OF SAID PLAT BOOK 2 PAGE 18.

THE BEARINGS INDICATED ARE BASED ON FLORIDA EAST STATE PLANE COORDINATE SYSTEM-NAD 83(90).

NOTES:
1. THIS IS NOT A BOUNDARY SURVEY
2. THIS DOCUMENT IS NOT VALID WITHOUT ALL 2 SHEETS.
3. LAND SHOWN HEREON WERE NOT ABSTRACTED BY SHAH DROTOS & ASSOCATES FOR RIGHTS OF WAY, EASEMENTS OR OTHER INSTRUMENTS OF RECORD.
4. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS SEAL.

MICHAEL D. SARVER CERTIFICATE No. 4174 STATE OF FLORIDA Professional Surveyor and Mapper

FOR THE FIRM, BY:

MICHAEL D. SARVER
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4174

1129A-1-18-2019 MDS

SHEET 1 OF 2 SHEETS

REVISIONS	*DWN*	*DATE*	*FB/PG*	*CHKD*

SDA SHAH DROTOS & ASSOCIATES
ENGINEERING
SURVEYING
PLANNING
CERTIFICATE OF AUTHORIZATION NO. LB 6456
3410 N. Andrews Avenue Ext • Pompano Beach, Fl. 33064
PH: 954-943-9433 • FAX: 954-783-4754

Exhibit "A"

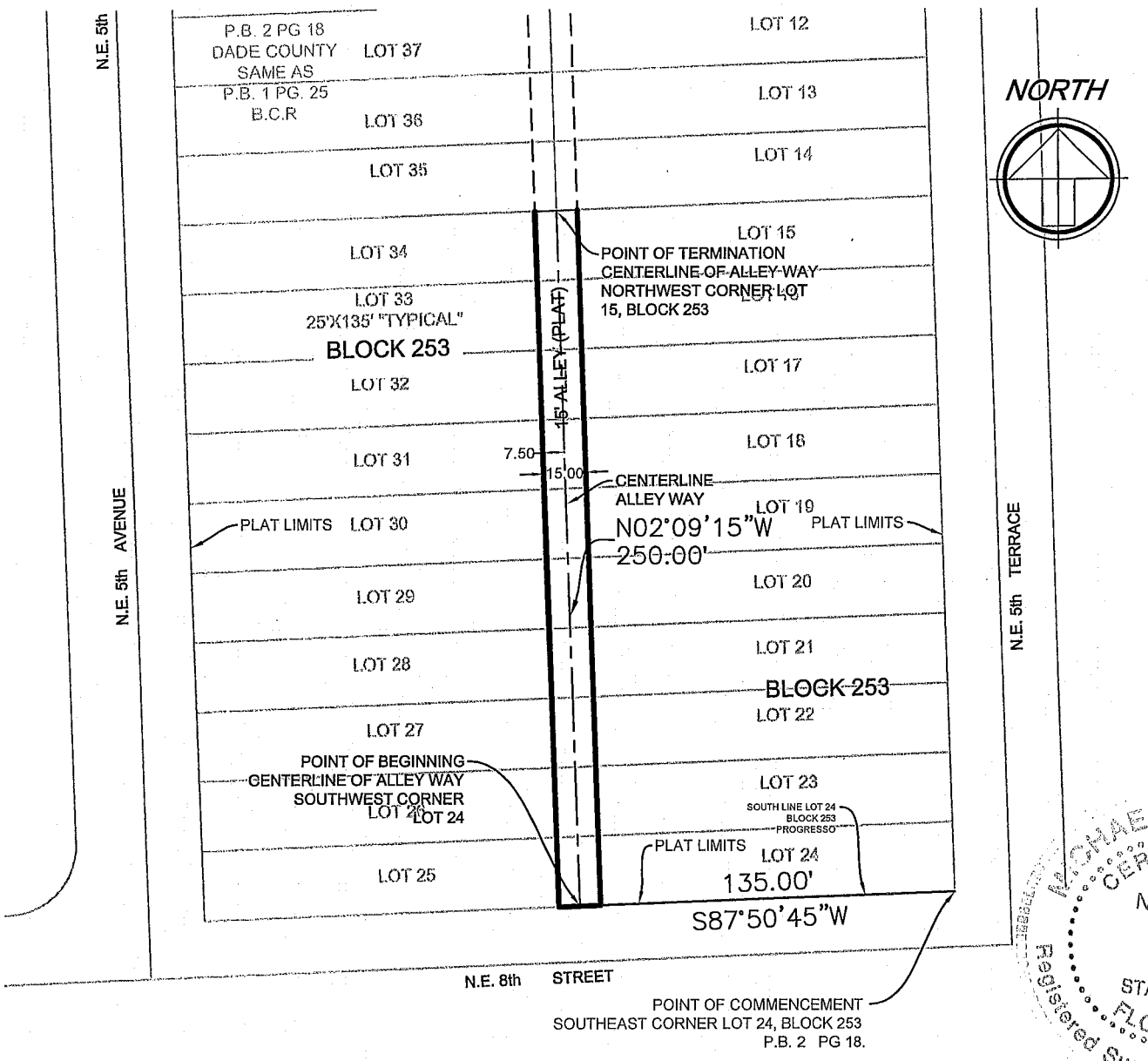
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M.D.O.K.

SKETCH OF DESCRIPTION

ALLEY WAY VACATION

A PORTION OF BLOCK 253 PROGRESSO, PLAT BOOK 2 PAGE 18
DADE COUNTY FLORIDA PUBLIC RECORDS
SAID LANDS LYING IN THE CITY OF FORT LAUDERDALE BROWARD COUNTY FLORIDA



MICHAEL D. SPADY
CERTIFICATE
No. 4174
STATE OF
FLORIDA
Registered Surveyor and Mapper

BCR =BROWARD COUNTY RECORDS
P.B. = PLAT BOOK
PG. = PAGES
ORB = OFFICIAL RECORDS BOOK

1129A-1-18-2019 MDS

SHEET 2 OF 2 SHEETS

REVISIONS	DWN	DATE	FB/PG	CHKD

SDA SHAH DROTOS & ASSOCIATES
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EXHIBIT "B"

CONDITIONS OF APPROVAL
CASE NO. V18008

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.