

ORDINANCE NO. C-19-19

AN ORDINANCE VACATING THE 5.00 FOOT RIGHT OF WAY DEDICATED PER OFFICIAL RECORDS BOOK 31283, PAGE 1803 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING A PORTION OF LOTS 5, 6, 7 AND 8, BLOCK 2, "LINCOLN PARK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5 AT PAGE 2 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED NORTH OF NORTHWEST 6th STREET, SOUTH OF NORTHWEST 7th STREET, EAST OF NORTHWEST 14th TERRACE AND WEST OF NORTHWEST 14th AVENUE, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, YMCA of South Florida, 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 June 19, 2019 (PZ Case No. V19004), 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 20, 2019, and Tuesday, September 3, 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. The City Commission finds that the application for vacation of a right-of-way meets the criteria of Section 47-24.6 of the ULDR as enunciated and memorialized in the minutes of its meeting of August 20, 2019, a portion of those findings expressly listed as follows:

- a. The right-of-way or other public place is no longer needed for public purposes; and,

The subject portion of the right-of-way is no longer needed for public purpose. The right-of-way was dedicated for the purpose of accommodating a future bus shelter that was never installed at this location and is proposed to be installed just to the east of proposed vacation. The Northwest Regional Activity Center Illustrations of Design Standards contains a cross section for Sistrunk Boulevard, which is less than the current width, and therefore, sufficient right-of-way exists today.

- b. Alternate routes if needed are available which do not cause adverse impacts to surrounding areas;

The right-of way to be vacated does not adversely impact the surrounding areas as there are existing routes that provide access to the sites immediately adjacent to the area.

- c. The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area;

The right-of way to be vacated does not compromise the ability for vehicles to move safely in and out of the vicinity nor does it impact existing NW 6th Street right-of-way.

- d. The closure of a right-of-way shall not adversely impact pedestrian traffic;

Pedestrian traffic will not be impacted by the right-of way vacation as there are existing and proposed sidewalks provided along the right-of way and adjacent property. In addition, the current right-of-way does not extend the full length of the block thereby creating an inconsistent right-of-way edge along the property line.

e. All utilities located within the right-of-way or other public place have been or will be relocated pursuant to a relocation plan; and the owner of the utility facilities has consented to the vacation; or a utilities easement has been retained over the right-of-way area or portion thereof; or an easement in a different location has been provided for the utility facilities by the owner to the satisfaction of the City; or any combination of same and utilities maintenance shall not be disrupted.

SECTION 2. That the public right-of-way located north of Northwest 6th Street, south of Northwest 7th Street, east of Northwest 14th Terrace and west of Northwest 14th 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 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 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 20th day of August, 2019.

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

ATTEST:

City Clerk

JEFFREY A. MODARELLI

Mayor

DEAN J. TRANTALIS

m.D.o.k.

VACATION OF RIGHT-OF-WAY
O.R.B. 31283, PG. 1801, B.C.R.
MIZELL CENTER, CITY OF FORT LAUDERDALE

LEGAL DESCRIPTION:

A PORTION OF LOTS 5, 6, 7 AND 8, BLOCK "2", "LINCOLN PARK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 2 ON THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BOUNDED ON THE EAST BY THE EAST LINE OF SAID LOT 5, ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF SISTRUNK BOULEVARD (NORTHEAST 6TH STREET), A 70 FOOT RIGHT-OF-WAY, AS SHOWN ON THAT CERTAIN RIGHT OF WAY MAP FOR PROJECT NUMBER 2423, RIGHT OF WAY NUMBER 105, ON FILE IN THE OFFICE OF THE CITY ENGINEER OF FORT LAUDERDALE AT FILE NUMBER 4-89-57, BOUNDED ON THE WEST BY THE WEST LINE OF SAID LOT 8 AND ON THE NORTH BY A LINE PARALLEL WITH AND 5.0 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES, SAID NORTH RIGHT OF LINE

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

NOTES

1. Not valid without the signature and original raised seal of a Florida Licensed Surveyor & Mapper
2. Bearings shown hereon are assumed and referenced to the North right-of-way line of Sistrunk Boulevard having a bearing of S88°14'18"W.
3. Calvin, Giordano & Associates, Inc. Certificate of Authorization Number is LB #6791.

CERTIFICATE

I, Steven M. Watts, do hereby certify that this Sketch and Description was done under my direct supervision and is accurate and correct to the best of my knowledge and belief. I further state that this Sketch and Description was completed in accordance with the Standards of Practice requirements for Surveying and Mapping as stated in Rule 5J-17 of the Florida Administrative Code, pursuant to Florida Statutes, Chapter 472.027.

Signature _____

Steven M. Watts, PSM
Professional Surveyor and Mapper
Florida Registration No. 4588
Calvin, Giordano & Associates, Inc.

ABBREVIATIONS

B.C.R. = Broward County Records
O.R.B. = Official Record Book
P.B. = Plat Book
PG. = Page
R/W = Right-of-Way
BLK. = Block

THIS IS NOT A SURVEY



Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS™
1800 Eller Drive, Suite 600, Fort Lauderdale, Florida 33316
Phone: 954.921.7781 • Fax: 954.921.8807
Certificate of Authorization 8791

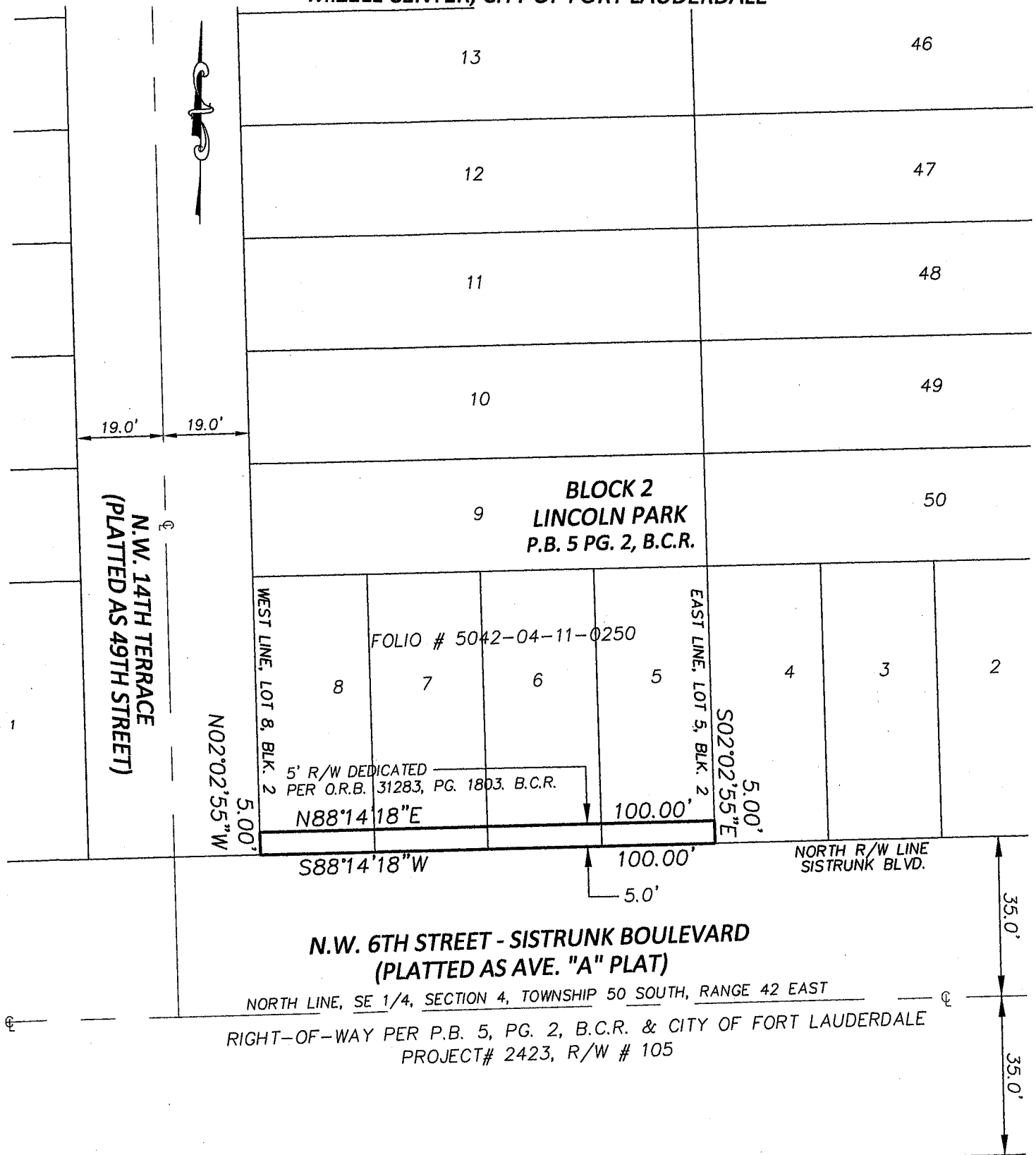
SKETCH & DESCRIPTION
VACATION OF R/W
O.R.B. 312783, PG. 1801, B.C.R.

SCALE N/A	PROJECT No. 08-2276.84	SHEET 1 2
DATE 04/23/2019	CAD FILE	

Exhibit "A"

VACATION OF RIGHT-OF-WAY
O.R.B. 31283, PG. 1801, B.C.R.
MIZELL CENTER, CITY OF FORT LAUDERDALE

M.D.O.K.



THIS IS NOT A SURVEY



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Certificate of Authorization 8791

SKETCH & DESCRIPTION
VACATION OF R/W
O.R.B. 31283, PG. 1801, B.C.R.

SCALE
1"=30'
DATE
04/22/2019

PROJECT No.
04-4723
CAD FILE

SHEET

2
2

EXHIBIT "B"

**CONDITIONS OF APPROVAL
CASE NO. V19004**

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; 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; and
3. The vacating ordinance shall be in full force and effect on the date a certificate, executed by the City Engineer, and recorded in the public records of Broward County, Florida. The certificate shall state that all conditions of the vacation listed in the ordinance have been met. A copy of the recorded certificate must be provided to the City.