

ORDINANCE NO. C-19-32

AN ORDINANCE VACATING THE 15.00 FOOT ALLEY IN BLOCK 14, "NORTH LAUDERDALE", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1 AT PAGE 48 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LESS THE NORTH 16.30 FEET THEREOF, LOCATED NORTH OF NORTHWEST 5TH STREET, SOUTH OF NORTHWEST 6TH STREET, EAST OF NORTHWEST 7TH TERRACE AND WEST OF NORTHWEST 7TH AVENUE, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicants, City of Fort Lauderdale, Anointed by Christ International Christian Center, Inc., 220145, LLC, Urbano 500, LLC and Sistrunk 2245, LLC, applied for the vacation of a 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. V19002), 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, September 17, 2019 and Wednesday, October 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 ("ULDR") as enunciated and memorialized in the minutes of its meeting of September 17, 2019, and October 2, 2019, a portion of those findings expressly listed as follows:

1. The subject portion of the 15-foot-wide right-of-way is currently not needed for public purposes. The alley is not used by the public for pedestrian or vehicular access to the abutting properties; and
2. The alley is not currently used for pedestrian or vehicle traffic. The surrounding areas and other abutting properties can be accessed from NW 6th Street, NW 7th Terrace, or NW 5th Street; and
3. The alley cannot currently be used for vehicular traffic due to landscaping, utility poles, and development on the alley. Vehicles will be able to utilize NW 4th Avenue, NW 7th Street, or NW 3rd Avenue to access the abutting properties; and
4. The alley is not currently used for pedestrian traffic.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the above recitals are true and correct and incorporation herein.

SECTION 2. That the public right-of-way located north of Northwest 5th Street, south of Northwest 6th Street, east of Northwest 7th Terrace and west of Northwest 7th 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 portions of said vacated 15-foot alley shall be retained for a cross-access easement also described in Exhibit "B" attached hereto and made a part hereof.

SECTION 4. 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 5. 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 6. That all ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 7. 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 8. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 9. That this Ordinance shall be in full force and effect immediately upon 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 17th day of September, 2019.

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

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

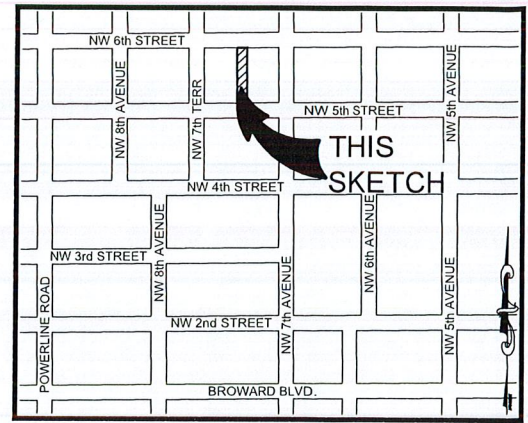
ALLEY VACATION

LEGAL DESCRIPTION:

THAT CERTAIN 15.00 FOOT WIDE ALLEY IN BLOCK 14, NORTH LAUDERDALE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 48, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

LESS THE NORTH 16.30 FEET THEREOF.

SAID LANDS LYING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND CONTAINING 9,506 SQUARE FEET (0.218 ACRES) MORE OR LESS.



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 OF A FLORIDA LICENSED 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 NORTH 87°51'26" EAST ALONG THE NORTH LINE OF BLOCK 14, NORTH LAUDERDALE, AS RECORDED IN PLAT BOOK 1, ON PAGE 48, OF THE PUBLIC RECORDS OF 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"=80' 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 FEBRUARY 13, 2019 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
PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION No. 6805
STATE OF FLORIDA

SKETCH & DESCRIPTION ALLEY VACATION

15' ALLEY
BLOCK 14,
NORTH LAUDERDALE
PLAT BOOK 1, PAGE 48, D.C.R.
FT. 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. 09535.01-SKETCH & DESCRIPTION.DWG

DATE 2/13/19

SCALE 1"=80'

FIELD BK. N/A

DWG. BY DDB

CHK. BY LP

DATE	REVISIONS
3/28/19	TEXT HEIGHTS

EXHIBIT "B"

**CONDITIONS OF APPROVAL
CASE NO. V19002**

1. The applicant shall provide concurrency/correspondence from all utility owners (i.e. Florida Power and Light (FPL), AT&T, Comcast and TECO), regarding proposed conceptual utility relocation plan and any easement requirements associated with the relocation/removal of their facilities. Prior to Engineer certificate being executed, letters from these utility owners shall be provided to the City Engineer or designee, indicating relocation and/or removal of their facilities, additional provisions and easements have been completed to the utility owners satisfaction;
2. A cross-access easement shall be recorded along east to west of property, exact location to be determined, prior to Final DRC Approval of Case Number R19014. Prior to Engineer certificate being executed, a copy of recorded document shall be submitted City Engineer or designee and to Department of Sustainable Development (DSD) Urban Design & Planning Division, indicating recorded cross-access easement;
3. 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;
4. 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,
5. 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.