

ORDINANCE NO. C-19-39

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THAT PORTION OF SOUTHWEST 6TH STREET RIGHT OF WAY LYING SOUTH OF AND ADJACENT TO 7, 8 AND 9, "SEAWANNA – THE NORTH NINE LOTS OF THE SUBDIVISION" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7 AT PAGE 37 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND LYING NORTH OF AND ADJACENT TO LOT 10, BLOCK 35, "SEAWANNA", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3 AT PAGE 25 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED NORTH OF SOUTHWEST 7TH STREET, SOUTH OF THE NEW RIVER, EAST OF THE TARPON RIVER AND WEST OF SOUTHWEST 8TH AVENUE, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicants, Edward J. Kirwin and Betty G. Kirwin, 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 September 18, 2019 (PZ Case No. V19003), 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, December 3, 2019, and Tuesday, December 17, 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 December 17, 2019, a portion of those findings expressly listed as follows:

- a. The right-of-way segment was originally part of a public purpose thoroughfare, however, a portion of SW 6th Street, located between SW 7th Avenue and SW 8th Avenue was previously vacated for another development and is no longer a distinct roadway used by vehicles or pedestrians at this location. The portion of SW 6th Street proposed to be vacated provides no vehicular circulation and does not currently provide access to the Tarpon River waterway.
- b. The right-of-way proposed to be vacated does not adversely impact vehicular circulation in the surrounding area as it currently terminates at the Tarpon River waterway and is only utilized for access to the two properties abutting that right-of-way. Properties adjacent to the proposed portion of right-of-way would have continued access to SW 8th Avenue which runs perpendicular to the proposed vacation.
- c. The dedications are proposed to complete the existing turnaround at the terminus of SW 8th Avenue so that vehicles can continue to safely turn around and exit the area.
- d. The closure of this portion of SW 6th Street will not adversely impact pedestrian traffic, as there is no public access to the waterway and there are no sidewalks for pedestrians to utilize.
- e. Letters of no objection were received from impacted franchise utilities and the City's Public Works Department. The Applicant will be relocating any and all existing utilities located within SW 6th Street. The utility letters are provided as part of Exhibit 2 to Commission Agenda Memorandum No. 19-1217 beginning on page 13.

SECTION 2. That the public right-of-way located north of Southwest 7th Street, south of the New River. East of the Tarpon River and west of Southwest 8th 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 3rd day of December, 2019.

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

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

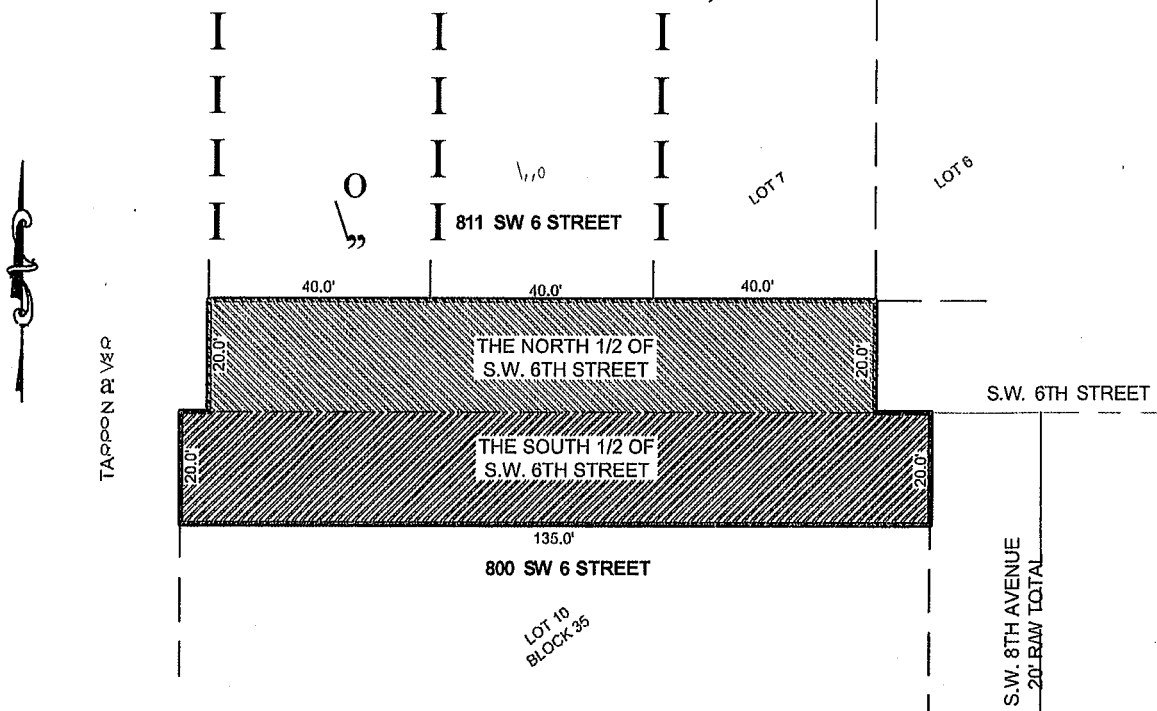
SKETCH AND DESCRIPTION

M.P.O.K.

Vacation of a portion of SW 6 Street, Ft. Lauderdale, Florida

THAT PORTION OF THE NORTH 1/2 (20') OF SW 6th STREET (ORIGINALLY PLATTED AS SOUTH 2nd STREET ACCORDING TO RESUBDIVISION OF A PORTION OF BLOCK 35 AS RECORDED IN PLAT BOOK 1, PAGE 28 OF THE PUBLIC RECORDS OF BROWARD COUNTY) LYING SOUTH OF AND ADJACENT TO LOTS 7, 8 AND 9, LYING EAST OF THE CANAL KNOWN AS TARPON RIVER, AS REPLATTED BY "SEAWANNA", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 37 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

THAT PORTION OF THE SOUTH 1/2 (20') OF SE 6th STREET (ORIGINALLY PLATTED AS SOUTH 2nd STREET ACCORDING TO THE RESUBDIVISION OF A PORTION OF BLOCK 35 AS RECORDED IN PLAT BOOK 1, PAGE 28 OF THE PUBLIC RECORDS OF BROWARD COUNTY) LYING NORTH OF AND ADJACENT TO THE REPLATTED LOT 10, BLOCK 35 OF "SEAWANNA" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 25 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.



NOTE:

THIS IS NOT A SKETCH OF SURVEY, IT IS ONLY THE GRAPHIC REPRESENTATION OF THE DESCRIPTION DEPICTED HEREON.

ALL COUNTY SURVEYORS

PROFESSIONAL
SURVEYORS AND MAPPERS
LICENSE NO. 6677
OFFICE: (954) 777-4747
FAX: (954) 777-2707
5400 SOUTH UNIVERSITY DRIVE
DAVE, FLORIDA 33328 SUITE 216



PROPERTY ADDRESS:

XXX SW 6th STREET, FT. LAUDERDALE, FL 33315

PREPARED FOR:

EDWARD & BETTY KERWIN

SIGNED:

JULIO S. PITA
PROFESSIONAL SURVEYOR AND MAPPER
NO. LS. 5789 STATE OF FLORIDA

DATE: 3/9/2019

JOB # 19-49906

EXHIBIT "B"

**CONDITIONS OF APPROVAL
CASE NO. V19003**

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; 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, 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.
4. The applicant will be required to complete the three-quarter turnaround and provide the necessary right-of-way dedication needed to complete the turnaround.