

RESOLUTION NO. 19-256

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING ALL OF THE PLATTED 20-FOOT UTILITY EASEMENT IN PARCEL "B", "LAS OLAS DEL MAR I", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 147, PAGE 20, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED WEST OF SEABREEZE BOULEVARD, SOUTH OF EAST LAS OLAS BOULEVARD AND EAST AND NORTH OF NEW RIVER SOUND (INTRACOASTAL WATERWAY), ALL LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, under the provisions of Section 47-24.7 of the City of Fort Lauderdale, Florida Unified Land Development Regulations (hereinafter "ULDR"), Paul Kissinger is applying for the vacation of a utility easement (Case No. PLN-E19005) more fully described in SECTION 2 below, associated with the Las Olas Marina, west of Seabreeze Boulevard, south of East Las Olas Boulevard and east and north of New River Sound (Intracoastal Waterway), Fort Lauderdale, Florida; and

WHEREAS, pursuant to the provisions of the aforementioned Section 47-24.7 of the ULDR, all utilities known to have an interest have been notified and have no objection to the vacation of the easement; and

WHEREAS, the City Engineer has certified that there is no objection to the vacation; and

WHEREAS, the Department of Sustainable Development has made the required reports and has also recommended the vacation of the easement, certifying that the same will not be required to serve the property;

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

SECTION 1. The City Commission finds that the application for vacation of easement meets the criteria of Section 47-24.7 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:

1. The associated development project (Las Olas Marina) includes a different configuration and location of the roadways and utilities than are shown on the recorded plat. When the project is constructed, the easements will no longer be needed for public purposes.
2. All utilities located within any of the easement areas shown on the plat will be relocated pursuant to a relocation plan. The applicant has submitted "No Objection" letters from all the relevant utility companies.

SECTION 2. That the below described easements are hereby vacated and shall no longer constitute easements for utilities, and utility and roadway, subject to the conditions provided in SECTION 3 of this resolution:

ALL OF THE PLATTED 20-FOOT UTILITY EASEMENT IN PARCEL "B", "LAS OLAS DEL MAR I", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 147, PAGE 20, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

More particularly described in Exhibit "A" attached.

Location: West of Seabreeze Boulevard, south of East Las Olas Boulevard and east and north of New River Sound (Intracoastal Waterway).

SECTION 3. That the vacation of the easement shall not be effective until the applicant demonstrates compliance with the following conditions:

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.

SECTION 4. That a copy of this Resolution shall be recorded in the Public Records of Broward County within 30 days from the date of final passage.

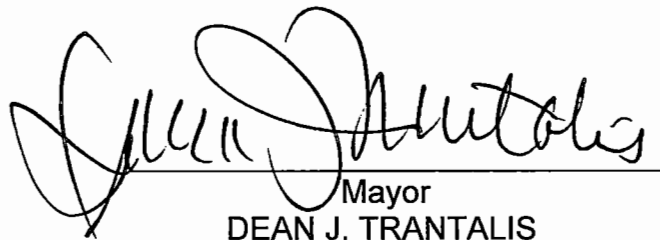
SECTION 5. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain 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. All resolutions or parts of resolutions in conflict herewith are hereby repealed, to the extent of such conflict.

SECTION 8. This resolution shall be in full force and effect upon final passage and adoption.

ADOPTED this the 17th day of December, 2019.

  
\_\_\_\_\_  
Mayor  
DEAN J. TRANTALIS

ATTEST:

  
\_\_\_\_\_  
City Clerk  
JEFFREY A. MODARELLI

SKETCH & DESCRIPTION FOR:  
**UTILITY EASEMENT ABANDONMENT**

LYING WITHIN PARCEL B - LAS OLAS DEL MAR I (PLAT BOOK 147, PAGE 20, B.C.R.)  
 CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

**LAND DESCRIPTION:**

That platted 20 foot Utility Easement being a portion of Parcel B, LAS OLAS DEL MAR I, according to the plat thereof, as recorded in Plat Book 147, Page 20, of the Public Records of Broward County, Florida, described as follows:

BEGIN at the northwest corner of said Parcel B; thence S81°49'25"E, along the north line of said Parcel B, 20.00 feet to the east line of said platted 20 foot Utility Easement; thence S08°12'14"W, along said east line, 163.96 feet to a point of curvature of a curve concave to the northeast; thence southerly and southeasterly along the arc of said curve, having a radius of 90.00 feet and a central angle of 99°09'39", an arc distance of 155.76 feet; thence N89°02'35"E, along the north line of said platted 20 foot Utility Easement, 35.83 feet to the east line of said platted 20 foot Utility Easement (said line also being the west line of a platted 44 foot Utility Easement); thence S00°57'25"E, along said east line, 20.00 feet to the south line of said Parcel B; thence S89°02'35"W, along said south line, 35.83 feet to a point of curvature of a curve concave to the northeast; thence westerly and northwesterly along the arc of said curve, having a radius of 110.00 feet and a central angle of 99°09'39", an arc distance of 190.38 feet; thence N08°12'14"E, 163.95 feet to the POINT OF BEGINNING (the preceding three courses and distances being along the south and west line of said Parcel B).

Said lands situate and being in the City of Fort Lauderdale, Broward County, Florida.

**SURVEYOR'S NOTES:**

1. Reproductions of this Sketch are not valid without the signature and the original seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to this sketch by other than the signing party is prohibited without written consent of the signing party.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Bearings shown hereon are relative to the plat, LAS OLAS DEL MAR I, based on the north line of Parcel B having a bearing of S81°49'25"E.
5. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
6. Abbreviation Legend: B.C.R. = Broward County Records;  $\Delta$  = Central Angle;  $\text{CL}$  = Centerline; L = Arc Length; L.B. = Licensed Business; N/A = Not Applicable; P.B. = Plat Book; P.O.B. = Point of Beginning; P.S.M. = Professional Surveyor & Mapper; R = Radius; R/W = Right-of-Way; U.E. = Utility Easement.

**CERTIFICATION:**

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17, Florida Administrative Code, pursuant to Chapter 472, Florida Statutes.

Date: 9/12/19

  
 MARISHA M. KREITMAN, P.S.M.  
 Florida Registration No. 6555  
 AVIROM & ASSOCIATES, INC.  
 L.B. No. 3300  
 EMAIL: marisha@aviromsurvey.com

**REVISIONS**



**AVIROM & ASSOCIATES, INC.**  
**SURVEYING & MAPPING**

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JOB #: **9608-4F**

SCALE: **N/A**

DATE: **09/12/2019**

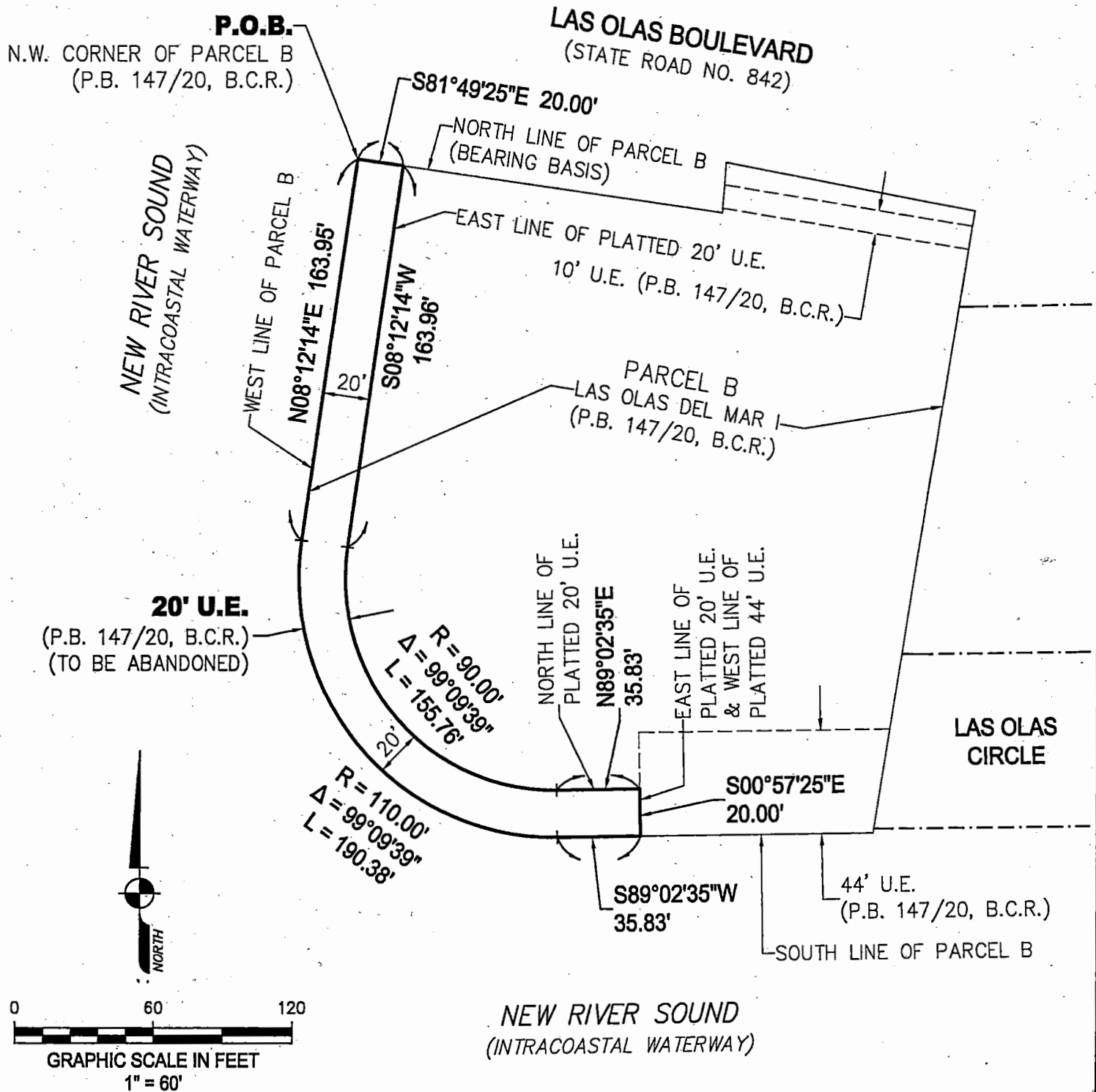
BY: **M.M.K.**

CHECKED: **M.D.A.**

F.B. **N/A** PG. **N/A**

SHEET: **1 OF 2**

**SKETCH & DESCRIPTION FOR:  
UTILITY EASEMENT ABANDONMENT**  
LYING WITHIN PARCEL B - LAS OLAS DEL MAR I (PLAT BOOK 147, PAGE 20, B.C.R.)  
CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA



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**JOB #:** 9608-4F

**SCALE:** 1" = 60'

**DATE:** 09/12/2019

**BY:** M.M.K.

**CHECKED:** M.D.A.

**F.B.** N/A **PG.** N/A

**SHEET:** 2 OF 2