

RESOLUTION NO. 20-31

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THE 15-FOOT RETAINED UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 11637, PAGE 691 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING WITHIN THE WEST 7.50 FEET OF LOTS 7 THROUGH 14, INCLUSIVE AND THE EAST 7.50 FEET OF LOTS 35 THROUGH 42, INCLUSIVE, LESS THE SOUTH 14.00 FEET OF SAID LOTS 14 AND 35, BLOCK 183 "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED WEST OF NORTHEAST 4TH AVENUE, SOUTH OF NORTHEAST 11TH STREET, EAST OF NORTHEAST 3RD AVENUE AND NORTH OF NORTHEAST 10TH STREET (EAST SUNRISE BOULEVARD), ALL LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, under the provisions of Section 47-24.7 of the City of Fort Lauderdale, Florida Unified Land Development Regulations (hereinafter "ULDR"), Town Development Co. is applying for the vacation of 15-foot retained utility easement (Case No. PLN-EV-19110001) more fully described in SECTION 2 below, located at 1051-1071 Northeast 4th Avenue, 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 February 18, 2020, a portion of those findings expressly listed as follows:

- a. The easement area is no longer needed for public purpose. The portion of the easement area being vacated is completely located on the subject property. The applicant has received letter of no objection from the City of Fort Lauderdale Utilities Division and as a condition of approval, the utilities within the easement, as specified in the letter will be relocated, removed, or abandoned at the developer's expense.
- b. The applicant has received letters of no objection from all applicable franchise utilities. The FPL letter indicates it has existing facilities and utility easements at the site. The utilities within the easement, as specified in the letter will be relocated, removed, or abandoned at the customer's expense.

SECTION 2. That the below described easement is hereby vacated and shall no longer constitute an easement for utilities, subject to the conditions provided in SECTION 3 of this resolution:

A PORTION OF THE 15-FOOT RETAINED UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 11637, PAGE 691, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING WITHIN THE WEST 7.50 FEET OF LOTS 7 THROUGH 14, INCLUSIVE AND THE EAST 7.50 FEET OF LOTS 35 THROUGH 42, INCLUSIVE, LESS THE SOUTH 14.00 FEET OF SAID LOTS 14 AND 35, BLOCK 183 "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA

More particularly described in Exhibit "A" attached.

Location: West of Northeast 4th Avenue, south of Northeast 11th Street, east of Northeast 3rd Avenue and north of Northeast 10th Street (East Sunrise Boulevard), Fort Lauderdale, Broward County, Florida

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 easements will be dedicated, 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 easements will be dedicated, 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. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 8. That if any clause, section, or other part of this resolution shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this resolution shall not be affected thereby, but shall remain in full force and effect.

ADOPTED this the 18th day of February, 2020.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI

SKETCH AND LEGAL DESCRIPTION

BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

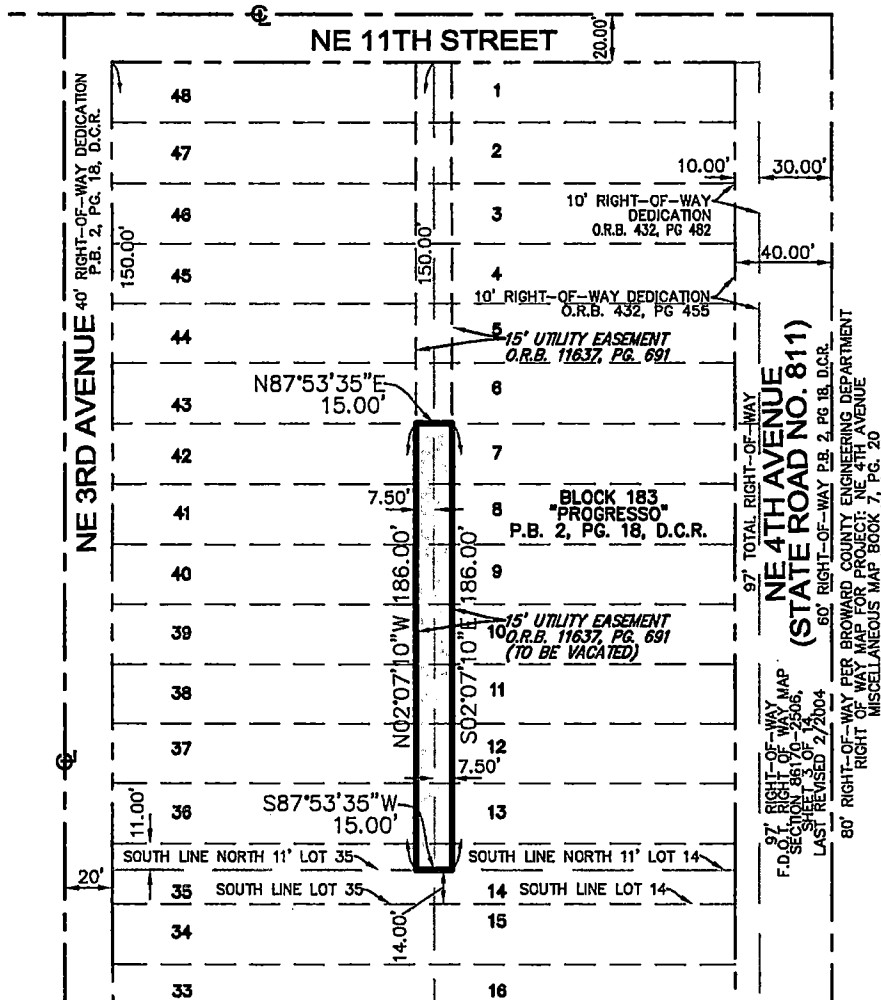
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



LEGAL DESCRIPTION: (UTILITY EASEMENT VACATION)

THAT PORTION OF THE 15 FOOT WIDE UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 11637, PAGE 691 LYING WITHIN THE WEST 7.50 FEET OF LOTS 7 THROUGH 14, INCLUSIVE AND THE EAST 7.50 FEET OF LOTS 35 THROUGH 42, INCLUSIVE, IN BLOCK 183, LESS THE SOUTH 14.00 FEET THEREOF, OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA AND CONTAINING 2,790 SQUARE FEET (0.0640 ACRES) MORE OR LESS.



NOTES:

- 1) BEARINGS ARE BASED ON AN ASSUMED MERIDIAN FOR THE EAST RIGHT-OF-WAY LINE OF NE 3RD AVENUE BEING N02°07'10"W.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 4) ALL RECORDED DOCUMENTS ARE PER THE PUBLIC RECORDS OF BROWARD COUNTY, UNLESS OTHERWISE NOTED.

LEGEND:

- ⊙ CENTERLINE
- O.R.B. OFFICIAL RECORDS BOOK
- P.B. PLAT BOOK
- PG. PAGE
- F.D.O.T. FLORIDA DEPARTMENT OF TRANSPORTATION
- D.C.R. MIAMI-DADE COUNTY RECORDS
- FPL FLORIDA POWER & LIGHT

FILE: PLAZA STREET PARTNERS

SCALE: 1"=80' DRAWN BY: B.E./L.S.

ORDER NO.: 66618

DATE: 11/19/19; REV 12/12/19

UTILITY EASEMENT VACATION

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: SHERWIN WILLIAMS

Beth Burns

- ☐ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
 - ☒ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
 - ☐ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
- STATE OF FLORIDA