

ORDINANCE NO. C-20-12

AN ORDINANCE VACATING THAT PORTION OF A 25.00 FOOT ROAD RIGHT OF WAY (SOUTHEAST 32ND COURT) LYING EAST OF AND ADJACENT TO LOTS 12 AND 13, BLOCK D-3, "DIXIE CUT-OFF SECTION OF CROISSANT PARK", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6 AT PAGE 5 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED NORTH OF SOUTHEAST 33RD STREET, SOUTH OF SOUTHEAST 32ND COURT, EAST OF SOUTHEAST 6TH AVENUE AND WEST OF FEDERAL HIGHWAY (U.S.1), ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, Briland Properties, 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 September 18, 2019 (PZ Case No. V19001), 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 subject as more particularly described and shown on Exhibit "A" attached hereto, subject to the conditions listed on Exhibit "C" attached hereto and incorporated herein; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, March 3, 2020, and Tuesday, May 19, 2020, 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 May 19, 2020, a portion of those findings expressly listed as follows:

- a. The subject portion of the right-of-way is no longer needed for public purpose. The portion of right-of-way proposed to be vacated is unimproved and properties directly adjacent to it have alternate direct access to public roads.
- b. The right-of-way to be vacated does not adversely impact the surrounding area as existing routes are not compromised by the proposed vacation.
- c. The right-of way to be vacated does not compromise the ability for vehicles to move safely in and out of the vicinity. Safe and adequate area will be provided for turn around through a cul-de-sac on the northern end and a T-turn around on the southern end as depicted in Exhibit 2, Sheet IX Titled "Area of Improvements Exhibit".
- d. Pedestrian traffic will not be impacted by the right-of way vacation as there are no pedestrian facilities in the surrounding area.
- e. The City's Public Works Department reviewed the application and requested the dedication of a 15-foot utility easement for a 12-inch water main that will remain within the subject portion of right-of-way proposed to be vacated. The applicant agreed to the easement dedication and has obtained letters of no objection from applicable franchise utility providers and the City's Public Works Department.

SECTION 2. That the public right-of-way located north of Southeast 33rd, Street, south of Southeast 32nd Court, east of Southeast 6th Avenue and west of Federal Highway (US1), 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, subject to conditions listed on Exhibit "C" attached hereto and incorporated herein.

SECTION 3. That a utility easement, as more particularly described in Exhibit "B" attached hereto, is reserved and retained over the right-of-way that is to be vacated.

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 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 "C" 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 March, 2020.

PASSED SECOND READING this the _____ day of _____, 2020.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

SKETCH AND DESCRIPTION
VACATION OF RIGHT-OF-WAY
 DIXIE CUT-OFF SECTION OF CROISSANT PARK
 (P.B. 6, PG. 5, B.C.R.)
 BROWARD COUNTY, FLORIDA

LAND DESCRIPTION:

A portion of a road right-of-way adjacent to Lots 12 and 13, Block D-3, Dixie Cut-Off Section of Croissant Park, according to the Plat thereof as recorded in Plat Book 6, Page 5, Public Records of Broward County, Florida, being more particularly described as follows:

COMMENCE at the northwest corner of said Lot 13, Block D-3; thence N 89°10'05" E, along the north line of said Lot, 25.43 feet to the POINT OF BEGINNING; thence continue N 89°10'05" E, 49.57 feet; thence S 01°49'36" E, along a line 25 feet east and parallel to the east line of Block D-3, a distance of 246.80 feet; thence S 89°09'24" W, along the easterly extension of the south line of said Lot 12, 50.44 feet, to a point of cusp also being a point on a curve, radial bearing to said point S 00°50'36" E said curve being concave to the northwest, radius of 25.00 feet and a central angle of 90°59'00"; thence northeast along the easterly lot line of said Lot 12, an arc distance of 39.70 feet to a point of tangency; thence N 01°49'36" W, along the east line Block D-3, 196.80 feet to a point of curvature of a curve, concave to the southwest, having radius of 25.00 feet and a central angle of 89°01'00"; thence northwesterly along the easterly line of said Lot 13 an arc distance of 38.84 feet to the POINT OF BEGINNING.

Said lands lying in Broward County, Florida containing 6,438 square feet more or less.

SURVEYOR'S REPORT:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to this survey map or report 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, DIXIE CUT-OFF SECTION OF CROISSANT PARK, based on the east line of Block D-3, having a bearing of N 01°49'36" W.
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; L.B. = Licensed Business; P.B. = Plat Book; PG. = Page; P.L.S. = Professional Land Surveyor; P.O.B. = Point of Beginning; P.O.C. = Point of Commencement; P.O.T. = Point of Termination; R/W = Right-of-Way.

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: _____

1/23/2019

[Signature]

JOHN T. DOOGAN, P.L.S.
 Florida Registration No. 4409
 AVIROM & ASSOCIATES, INC.
 L.B. No. 3300

NOT VALID WITHOUT SHEETS 1-3

REVISIONS



AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING

50 S.W. 2nd AVENUE, SUITE 102
 BOCA RATON, FLORIDA 33432
 (561) 392-2594 / www.AVIROMSURVEY.com

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JOB #: **11017-1A**

SCALE: 1" = 20'

DATE: 01/22/2019

BY: S.R.L.

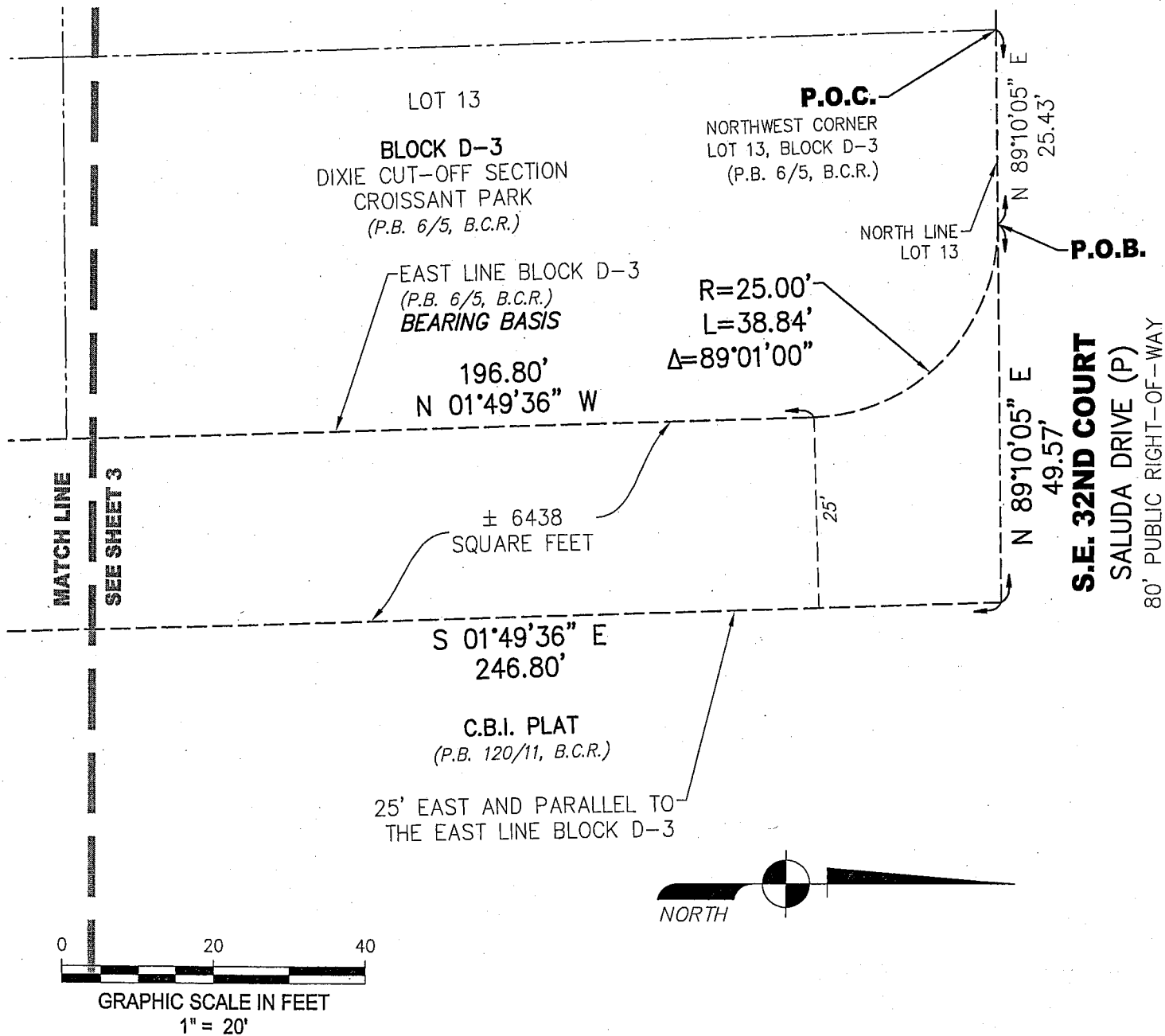
CHECKED: J.T.D.

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

SHEET: 1 OF 3

EXHIBIT "A"

SKETCH AND DESCRIPTION
VACATION OF RIGHT-OF-WAY
 DIXIE CUT-OFF SECTION OF CROISSANT PARK
 (P.B. 6, PG. 5, B.C.R.)
 BROWARD COUNTY, FLORIDA

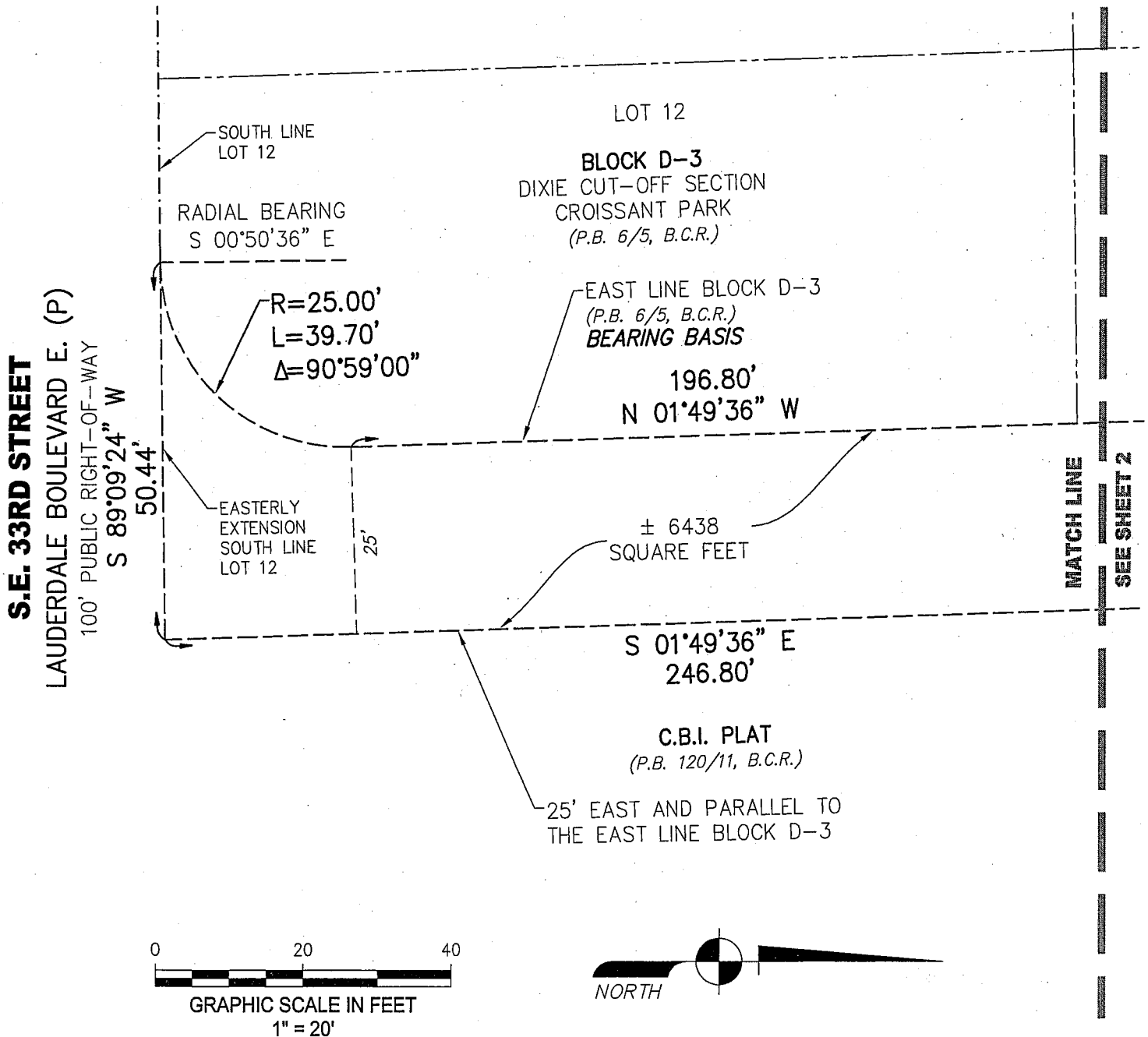


NOT VALID WITHOUT SHEETS 1-3

REVISIONS 	<div data-bbox="576 1848 771 2005"> </div> <p>AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING 50 S.W. 2nd AVENUE, SUITE 102 BOCA RATON, FLORIDA 33432 (561) 392-2594 / www.AVIROMSURVEY.com <small>© 2019 AVIROM & ASSOCIATES, INC. all rights reserved. This sketch is the property of AVIROM & ASSOCIATES, INC. and should not be reproduced or copied without written permission.</small></p>	<p>JOB #: 11017-1A SCALE: 1" = 20' DATE: 01/22/2019 BY: S.R.L. CHECKED: J.T.D. F.B. N/A PG. N/A SHEET: 2 OF 3</p>
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m.w.o.k

SKETCH AND DESCRIPTION
VACATION OF RIGHT-OF-WAY
DIXIE CUT-OFF SECTION OF CROISSANT PARK
(P.B. 6, PG. 5, B.C.R.)
BROWARD COUNTY, FLORIDA



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JOB #: 11017-1A

SCALE: 1" = 20'

DATE: 01/22/2019

BY: S.R.L.

CHECKED: J.T.D.

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

SHEET: 3 OF 3

SKETCH AND DESCRIPTION
UTILITY EASEMENT
 DIXIE CUT-OFF SECTION OF CROISSANT PARK
 (P.B. 6, PG. 5, B.C.R.)
 BROWARD COUNTY, FLORIDA

LAND DESCRIPTION:

A portion of a road right-of-way adjacent to Lots 12 and 13, Block D-3, Dixie Cut-Off Section of Croissant Park, according to the Plat thereof as recorded in Plat Book 6, Page 5, Public Records of Broward County, Florida, being more particularly described as follows:

COMMENCE at the northwest corner of said Lot 13, Block D-3; thence N 89°10'05" E, along the north line of said Lot, 60.00 feet to the POINT OF BEGINNING; thence continue N 89°10'05" E, along the easterly extension of the north line of said Lot 13, a distance of 15.00 feet; thence S 01°49'36" E, along a line 25 feet east and parallel to the east line of Block D-3, a distance of 246.80 feet; thence S 89°09'24" W, along the easterly extension of the south line of said Lot 12, 15.00 feet; thence N 01°49'36" W, along a line 10.00 east and parallel to the east line Block D-3, 246.80 feet to the POINT OF BEGINNING.

Said lands lying in Broward County, Florida containing 3,702 square feet more or less.

SURVEYOR'S REPORT:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to this survey map or report by other than the signing party is prohibited without written consent of the signing party.
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6. Abbreviation Legend: B.C.R. = Broward County Records; L.B. = Licensed Business; P.B. = Plat Book; PG. = Page; P.L.S. = Professional Land Surveyor; P.O.B. = Point of Beginning; P.O.C. = Point of Commencement; P.O.T. = Point of Termination; R/W = Right-of-Way.

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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: _____

1/23/2019

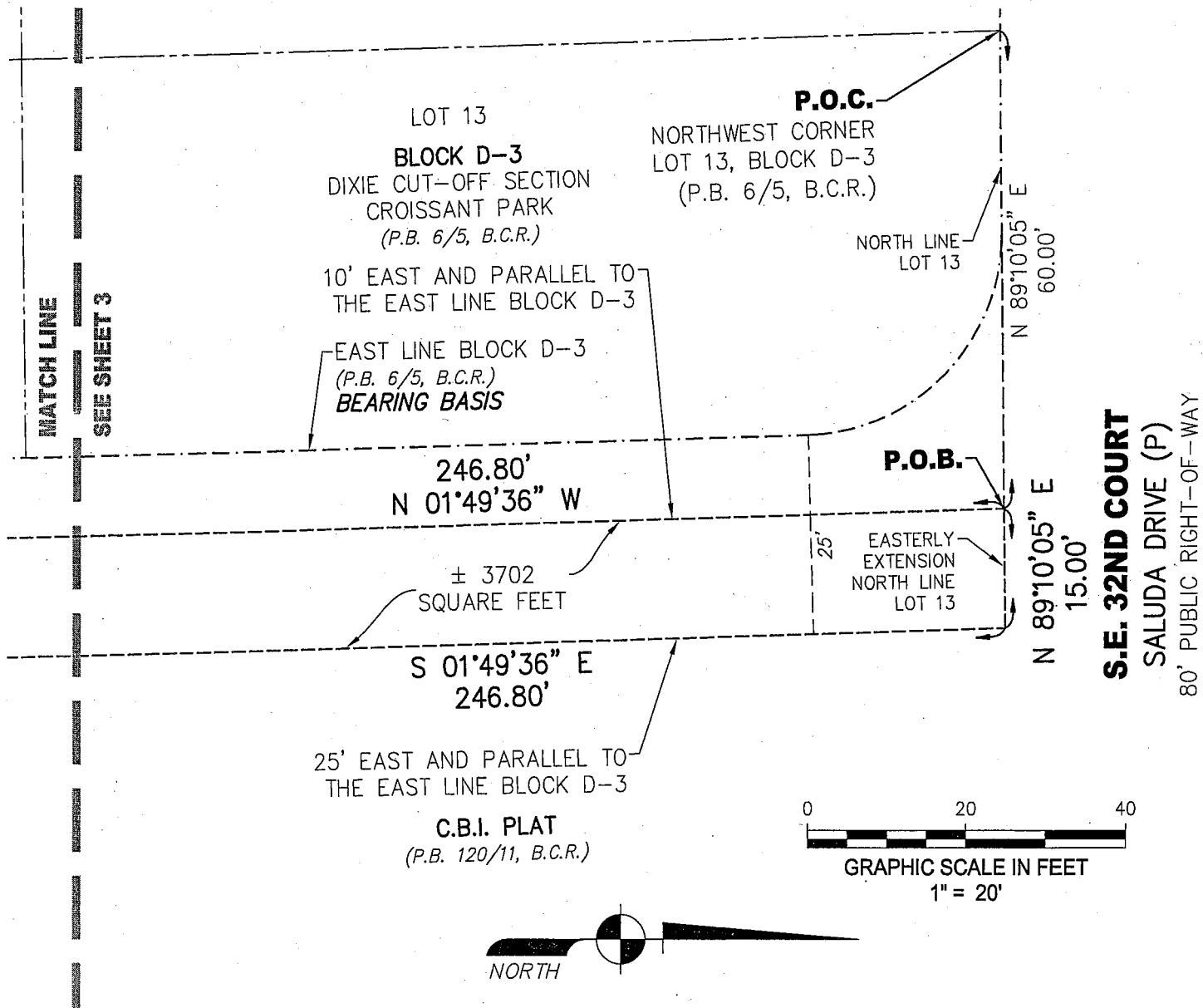
[Signature]
 JOHN T. DOOGAN, P.L.S.
 Florida Registration No. 4409
 AVIROM & ASSOCIATES, INC.
 L.B. No. 3300

NOT VALID WITHOUT SHEETS 1-3

REVISIONS 	 Exhibit "B"	AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING 50 S.W. 2nd AVENUE, SUITE 102 BOCA RATON, FLORIDA 33432 (561) 392-2594 / www.AVIROMSURVEY.com <small>©2019 AVIROM & ASSOCIATES, INC. all rights reserved. This sketch is the property of AVIROM & ASSOCIATES, INC. and should not be reproduced or copied without written permission.</small>	JOB #: 11017-1B SCALE: 1" = 20' DATE: 01/22/2019 BY: S.R.L. CHECKED: J.T.D. F.B. N/A PG. N/A SHEET: 1 OF 3

m.d.d.k.

SKETCH AND DESCRIPTION
UTILITY EASEMENT
DIXIE CUT-OFF SECTION OF CROISSANT PARK
(P.B. 6, PG. 5, B.C.R.)
BROWARD COUNTY, FLORIDA



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JOB #: 11017-1B

SCALE: 1" = 20'

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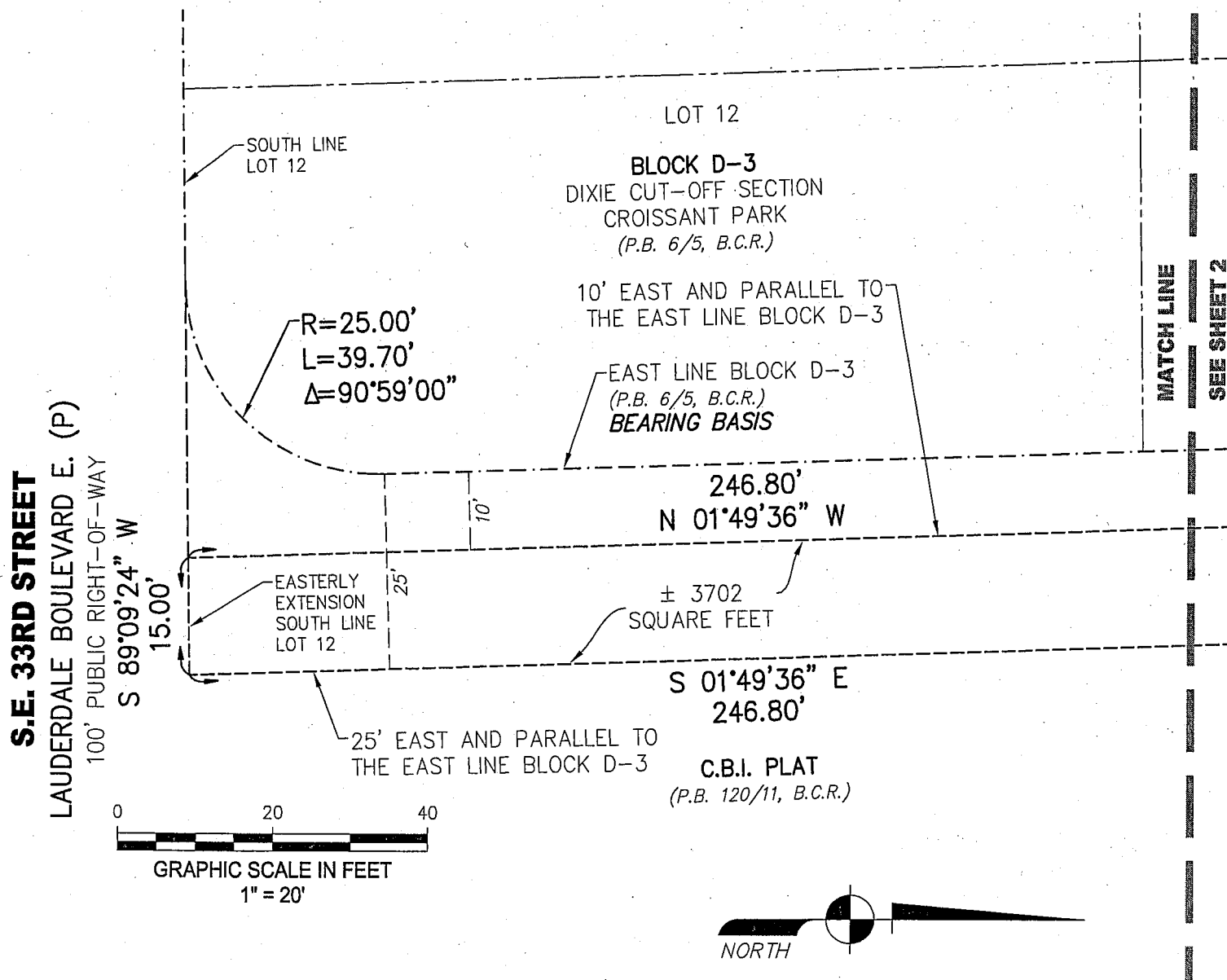
BY: S.R.L.

CHECKED: J.T.D.

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

SHEET: 2 OF 3

SKETCH AND DESCRIPTION
UTILITY EASEMENT
 DIXIE CUT-OFF SECTION OF CROISSANT PARK
 (P.B. 6, PG. 5, B.C.R.)
 BROWARD COUNTY, FLORIDA



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REVISIONS		AVIROM & ASSOCIATES, INC.	JOB #:	11017-1B		
		SURVEYING & MAPPING	SCALE:	1" = 20'		
		50 S.W. 2nd AVENUE, SUITE 102	DATE:	01/22/2019		
		BOCA RATON, FLORIDA 33432	BY:	S.R.L.		
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		SHEET: 3 OF 3				

EXHIBIT "C"

**CONDITIONS OF APPROVAL
CASE NO. V19001**

1. The applicant shall construct a cul-de-sac at the northern end of the proposed vacation and a T-turn around at the southern end as shown on plans as part of Exhibit 2 to Commission Agenda Memorandum No. 20-0292 prior to releasing the right-of-way to the applicant;
2. Relocate fire hydrant onto private property and provide an easement as shown on the plans as part of the easement Exhibit 2 to Commission Agenda Memorandum No. 20-0292 prior to releasing the right-of-way to the applicant;
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, or a 15-foot-wide easement shall be granted and accepted by the City's Public Works Department prior to releasing the right-of-way to the applicant;
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, or easements granted, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider prior to releasing the right-of-way to the applicant; 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 to the City.