

RESOLUTION NO. 21-59

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THAT PLATTED UTILITY EASEMENT LYING ALONG THE WEST 6.00 FEET OF LOTS 12 THROUGH 21 AND LYING ALONG THE EAST 6.00 FEET OF LOTS 31 THROUGH 38, BLOCK 254, "RESUBDIVISION OF BLOCK 254, PROGRESSO", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 72, PAGE 2 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED NORTH OF NORTHEAST 8TH STREET, SOUTH OF NORTHEAST 9TH STREET, EAST OF NORTHEAST 4TH AVENUE AND WEST OF NORTHEAST 5TH AVENUE, ALL SAID LANDS SITUATE, LYING AND BEING 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"), Searstown Warehouse, LLC, is applying for the vacation of a portion of a platted utility easement (Case No. PLN-EV-20030003) more fully described in SECTION 2 below, located 818 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 March 16, 2021, 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 a 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 THAT PLATTED UTILITY EASEMENT LYING ALONG THE WEST 6.00 FEET OF LOTS 12 THROUGH 21 AND LYING ALONG THE EAST 6.00 FEET OF LOTS 31 THROUGH 38, BLOCK 254, "RESUBDIVISION OF BLOCK 254, PROGRESSO" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 72 PAGE 2 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

More particularly described in Exhibit "A" attached.

Location: North of Northeast 8th Street, south of Northeast 9th Street, east of Northeast 4th Avenue and west of Northeast 5th Avenue.

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.

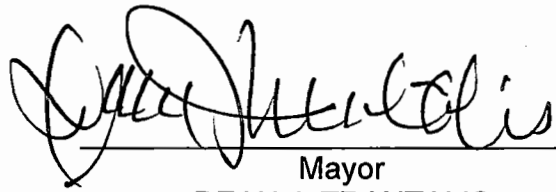
SECTION 6. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

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.

SECTION 9. This resolution shall be in full force and effect upon final passage and adoption.

ADOPTED this 16th day of March, 2021.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI

H.10. U.K.

SKETCH AND DESCRIPTION

DESCRIPTION:

A PORTION OF THAT PLATTED UTILITY EASEMENT ALONG THE WEST 6.00 FEET OF LOTS 12 THROUGH 21 AND ALONG THE EAST 6.00 FEET OF LOTS 31 THROUGH 38, "RESUBDIVISION OF BLOCK 254, PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 72, PAGE 2 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LANDS SITUATE LYING AND BEING IN BROWARD COUNTY, FLORIDA. CONTAINING 2,700 SQUARE FEET MORE OR LESS

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF LOT 21, BLOCK 254 WITH AN ASSUMED BEARING OF N 89°47'26" W.
2. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER STATED HEREON.
3. THE UNDERSIGNED AND DAVID & GERCHAR, INC. MAKE NO REPRESENTATIONS OR GUARANTEES AS TO THE INFORMATION REFLECTED HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS AND OTHER MATTERS, AND FURTHER, THIS INSTRUMENT IS NOT INTENDED TO REFLECT OR SET FORTH ALL SUCH MATTERS. SUCH INFORMATION SHOULD BE OBTAINED AND CONFIRMED BY OTHERS THROUGH APPROPRIATE TITLE VERIFICATION. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY AND OR EASEMENTS OF RECORD.
4. THIS SKETCH AND DESCRIPTION CONSISTS OF TWO (2) SHEETS AND IS NOT COMPLETE WITHOUT BOTH SHEETS.

THIS IS NOT A SKETCH OF SURVEY

SHEET 1 OF 2

REVISIONS	DATE	BY	CKD

REVISE PER CITY ENGINEER COMMENT 6/5/2020 RM TD

PORTION OF
UTILITY EASEMENT
TO BE VACATED

Theodore
David
2020.06.05
12:31:36 -04'00'

David & Gerchar, Inc.
Surveyors & Mappers
Licensee Number No. 4315
12750 N.W. 40th Street, Bay 1
Coral Springs, FL 33065
(954) 402-4025
Florida Registration No. 5821

6/5/2020

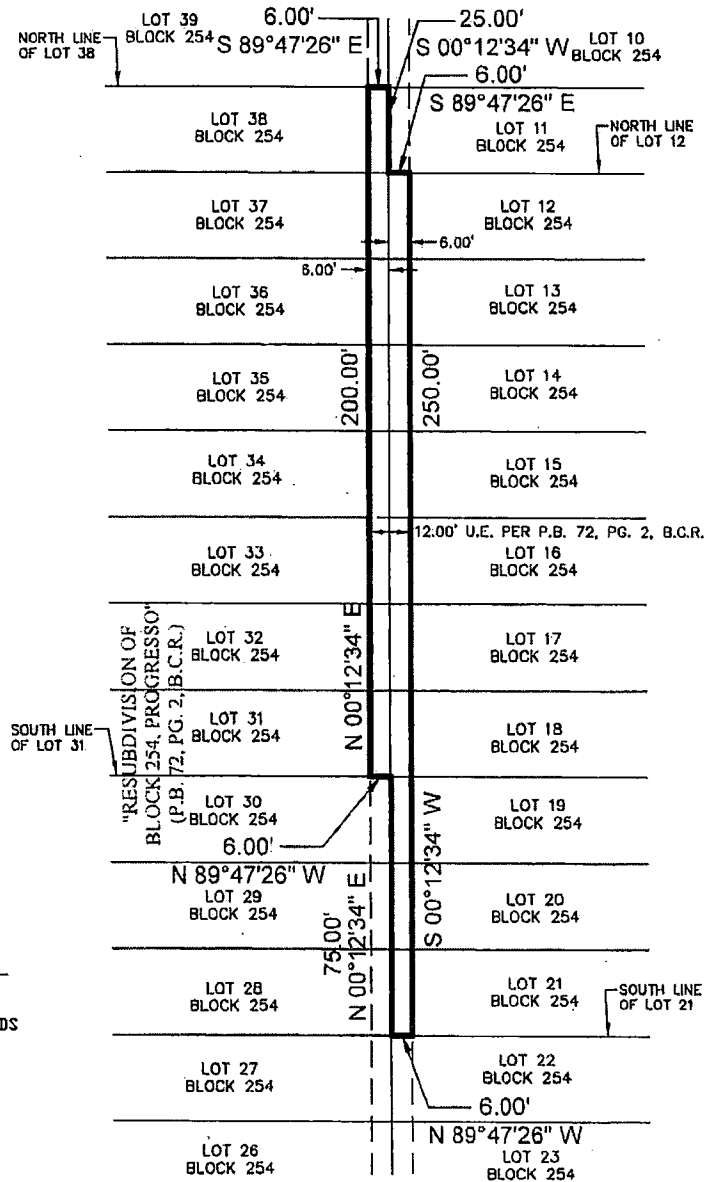
THEODORE J. DAVID FOR THE FIRM
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 5821
DAVID & GERCHAR, INC. LB#6935

SCALE: N/A
JOB NO: 20-007
FB/PG: N/A
CAD. FILE: F:\dwgs\20-jobs\20-007
DRAWN BY: RM
DATE: 3/12/2020
CKD. BY: TD
PROJ. FILE: 20-007

**DAVID &
GERCHAR,**
SURVEYORS AND MAPPERS
12750 N.W. 40th Street, Bay 1
Coral Springs, Florida 33065
(954) 402-4025 • email: ted@davidandgerchar.com

M.D.O.K.

SKETCH AND DESCRIPTION



LEGEND:

P. B. PLAT BOOK
PG. PAGE
B. C. R. BROWARD COUNTY RECORDS

THIS IS NOT A SKETCH OF SURVEY

SHEET 2 OF 2

REVISIONS	DATE	BY	CKD
REVISE PER CITY ENGINEER COMMENT	6/5/2020	RM	TD

PORTION OF UTILITY EASEMENT TO BE VACATED	SCALE: 1" = 50'	JOB NO: 20-007	DAVID & GERCHAR, INC. SURVEYORS AND MAPPERS 12750 N.W. 40th Street, Bay 1 Coral Springs, Florida 33065 (954) 340-4025 • email: ted@davidandgerchar.com
	FB/PG: N/A	CAD. FILE: F:\dwgs\20-jobs\20-007	
	DRAWN BY: RM	DATE: 3/12/2020	
	CKD. BY: TD	PROJ. FILE: 20-007	