

ORDINANCE NO. C-21-15

AN ORDINANCE AMENDING ORDINANCE NO. C-18-24 OF THE CITY OF FORT LAUDERDALE, FLORIDA, WHICH VACATED A PORTION OF NORTHWEST 1<sup>ST</sup> AVENUE, TO REVISE THE CONDITIONS OF APPROVAL, PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the applicant, Andrews Project Development, LLC, applied for the vacation of a public right-of-way identified as Northwest 1<sup>st</sup> Avenue; and

WHEREAS, on September 4, 2018, the City Commission of the City of Fort Lauderdale, Florida adopted Ordinance No. C-18-24 vacating a portion of the public right-of-way identified as Northwest 1<sup>st</sup> Avenue and more particularly described and shown on Exhibit "A" attached thereto, subject to the conditions listed on Exhibit "B" which is attached thereto and incorporated therein; and

WHEREAS, Condition 1 listed on Exhibit "B" of Ordinance No. C-18-24 states that "[a]ny 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

WHEREAS, Condition 2 listed on Exhibit "B" of Ordinance No. C-18-24 states that "[a]ny 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

WHEREAS, the Applicant proposes to not relocate certain utilities within the proposed vacated right-of-way area and alternatively proposes to protect in place the existing infrastructure and a grant a perpetual maintenance access easement to utility providers; and

WHEREAS, the City Clerk notified the public of public meetings to be held on Tuesday, April 20, 2021 at 6:00 o'clock P.M., and Tuesday, May 4, 2021 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 proposed ordinance; and

WHEREAS, such public meeting was duly held at the time and place designated and due notice of same was given by publication as is required by law;

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

SECTION 1. That Exhibit "B" of Ordinance No. C-18-24 is hereby amended as provided in Exhibit "A" attached hereto.

SECTION 2. 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 3. 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 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this 20<sup>th</sup> day of April, 2021.

PASSED SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

ATTEST:

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

**EXHIBIT "A"**  
**AMENDED CONDITIONS OF APPROVAL TO ORDINANCE NO. C-18-24**  
**CASE NO. V17004**

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 or the applicant shall convey a utility easement over the vacated right-of-way or portion thereof in an instrument executed and delivered to the City, subject to the approval of the City Engineer and the City Attorney; or any combination of same. The Applicant shall be responsible for recording the approved utility easement in the Public Records of Broward County and providing the City Engineer with a copy of the fully executed version with the recording stamp.
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, alternatively the utility infrastructure may remain protected in place if located within the utilities easement conveyed pursuant to condition 1 above.
3. 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 by the applicant to the City.