

ORDINANCE NO. C-21-18

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THAT PLATTED 10.00 FOOT ALLEY LYING ADJACENT TO LOT 1 AND THE EAST 25.00 FEET OF LOT 2, AND LYING ADJACENT TO LOT 16 AND THE EAST 25.00 FEET OF LOT 15, BLOCK 14, "COLEE HAMMOCK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 17 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED NORTH OF EAST LAS OLAS BOULEVARD, SOUTH OF SOUTHEAST 2ND COURT, EAST OF SOUTHEAST 9TH AVENUE AND WEST OF SOUTHEAST 10TH TERRACE, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicants, 800 Las Olas, LLC and Mustang Properties, Inc., applied for the vacation of a 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 February 17, 2021 (PZ Case No. PLN-VAC-20080001), 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 as more particularly described and shown on Exhibit "A" attached hereto, retaining a public access easement as more particularly described and shown on Exhibit "B" attached hereto, and 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, May 4, 2021 at 6:00 o'clock P.M., and Tuesday, May 18, 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 vacation of the right-of-way; and

WHEREAS, such public hearings were 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 ("ULDR") as enunciated and memorialized in the minutes of its meetings of May 4, 2021 and May 18, 2021, a portion of those findings expressly listed as follows:

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

1. The right-of-way is no longer needed for public purpose.
2. The vacation of the right-of-way will not require alternate routes as access will be provided through the redevelopment of the "1007 East Las Olas Boulevard" project and there are alternative access points provided through East Las Olas Boulevard, SE 10th Terrace, and SE 2nd Court.
3. The vacation of the right-of-way alley will not completely close access to the alley for thru traffic and will provide a permanent public access easement for the portion of the alley to be vacated.
4. Pedestrian traffic will not be adversely impacted by the right-of-way vacation as there are extensive sidewalks proposed along the perimeter of the new redevelopment project which will provide enhanced pedestrian movement in and around the project and adjacent area.
5. The applicant has obtained letters of no objection from impacted franchise utilities and the City's Public Works Department. The franchise utility company letters state that some utilities exist within the alley and the applicant will be responsible for relocation.

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

SECTION 1. That the above recitals are true and correct and incorporation herein.

SECTION 2. That the public right-of-way generally located north of East Las Olas Boulevard, south of Southeast 2nd Court, east of Southeast 9th Avenue and west of Southeast 10th Terrace, 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.

SECTION 3. That portions of said vacated alley shall be ~~retained~~ granted as a public access easement as more particularly described in Exhibit "B" attached hereto and made a part hereof.

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

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 immediately upon 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 4th day of May, 2021.

PASSED SECOND READING this ____ day of _____, 2021.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

SKETCH AND DESCRIPTION

LEGAL DESCRIPTION:

That portion of the 10.00 foot alley lying adjacent to Lot 1 and the East 25.00 feet of Lot 2, and lying adjacent to Lot 16 and the East 25.00 feet of Lot 15, Block 14, COLEE HAMMOCK, according to the Plat thereof, as recorded in Plat Book 1, Page 17 of the Public Records of Broward County, Florida.

Said lands situate lying and being in the City of Fort Lauderdale, Broward County, Florida. Containing 750 square feet more or less.

NOTES:


- 1) Bearings shown hereon are based on the East line of Lot 1, Block 14 with an assumed bearing South 00°05'00" West.
- 2) This Sketch and Description is not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
- 3) ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD, RECORDED AND VISIBLE AFFECTING THE HEREON DESCRIBED PROPERTY ARE SHOWN PER THE COMMITMENT FOR TITLE INSURANCE, FILE NO. 2037-3580935, EFFECTIVE DATE JUNE 17, 2016 AT 8:00 AM. AND PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY AND THE PLAT OF COLEE HAMMOCK, AS RECORDED IN PLAT BOOK 1, PAGE 17, AS RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
- 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 | |
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VACATION OF A
PORTION OF
10' ALLEY



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

SCALE: N/A

FB/PG: N/A

DRAWN BY: RRM

CKD. BY: TD

JOB NO: 16-022 10' ALLEY

CAD. FILE: F:\dwgs\16-jobs\16-022\Sketch and Descriptions

DATE: 12/8/2020

PROJ. FILE: 16-022

DAVID & GERCHAR,
SURVEYORS AND MAPPERS

12750 N.W. 40th Street, Bay 1
Coral Springs, Florida 33065
(954) 340-4025 • email: ted@davidandgerchar.com

SKETCH AND DESCRIPTION



THIS IS NOT A SKETCH OF SURVEY

*VACATION OF A
PORTION OF
10' ALLEY*

SHEET 2 OF 2

16-022

DAVID &
GERCHAR,
SURVEYORS AND MAPPERS

12750 N.W. 40th Street, Bay 1
Coral Springs, FL 33065
SAM # 21-0306
(954) 340-4025 • email: ted@davidludgerchar.com

SKETCH AND DESCRIPTION

LEGAL DESCRIPTION:

That portion of the 10.00 foot alley lying adjacent to Lot 1 and the East 25.00 feet of Lot 2, and lying adjacent to Lot 16 and the East 25.00 feet of Lot 15, Block 14, and the North 1.00 feet of Lot 16 and then North 1.00 feet of the East 25.00 feet of Lot 15, Block 14, COLEE HAMMOCK, according to the Plat thereof, as recorded in Plat Book 1, Page 17 of the Public Records of Broward County, Florida.

Said easement to be from ground level to 15 feet above ground level.

Said lands situate lying and being in the City of Fort Lauderdale, Broward County, Florida. Containing 825 square feet more or less.

NOTES:

- 1) Bearings shown hereon are based on the East line of Lot 1, Block 14 with an assumed bearing South 00°05'00" West.
- 2) This Sketch and Description is not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
- 3) ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD, RECORDED AND VISIBLE AFFECTING THE HEREON DESCRIBED PROPERTY ARE SHOWN PER THE COMMITMENT FOR TITLE INSURANCE, FILE NO. 2037-3580935, EFFECTIVE DATE JUNE 17, 2016 AT 8:00 AM. AND PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY AND THE PLAT OF COLEE HAMMOCK, AS RECORDED IN PLAT BOOK 1, PAGE 17, AS RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
- 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

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**PUBLIC ACCESS
EASEMENT**



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

SCALE:

N/A

FB/PG:

N/A

DRAWN BY:

RRM

CKD. BY:

TD

JOB NO:

16-022 PUBLIC ACCESS

CAD. FILE: F:\dwgs\
16-jobs\16-022\Sketch
and Descriptions

DATE:

12/8/2020

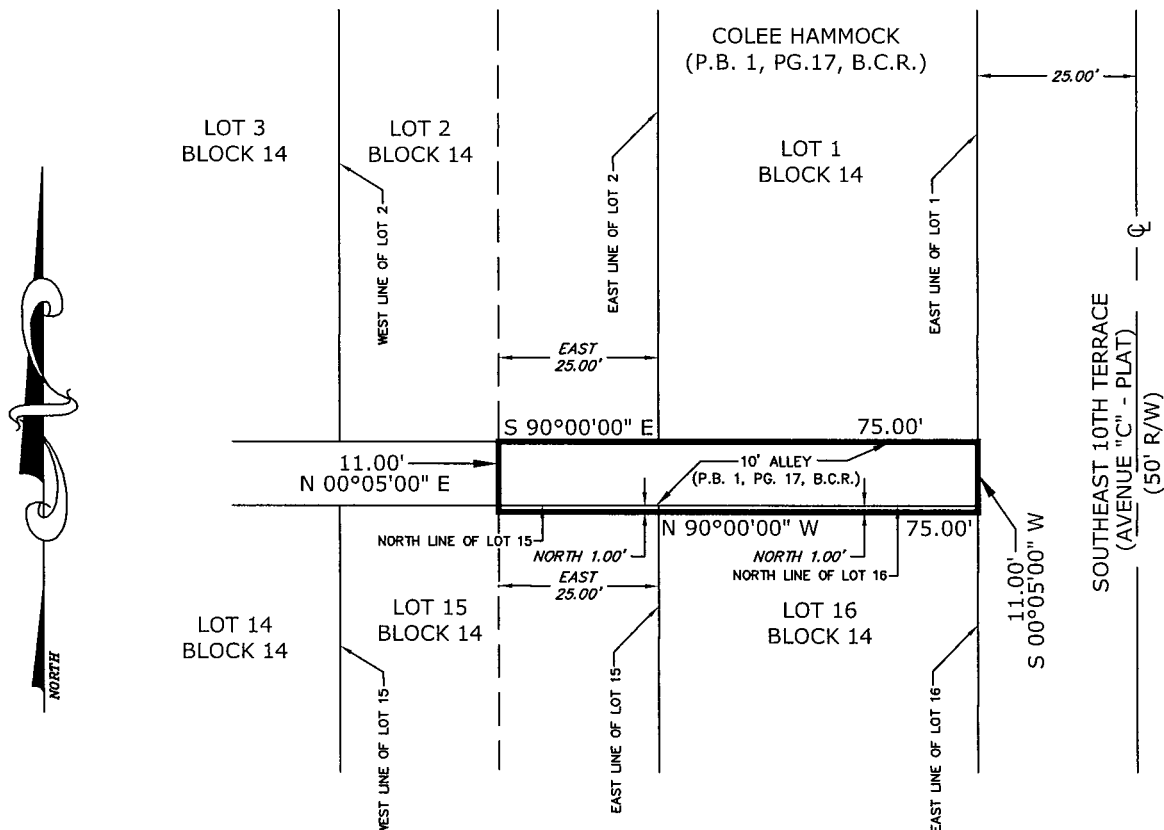
PROJ. FILE:

16-022

**DAVID &
GERCHAR,**
SURVEYORS AND MAPPERS

12750 N.W. 40th Street, Bay 1
Coral Springs, Florida 33065
(954) 340-4025 • email: ted@dauidandgerchar.com
CAM#21-9506
Exhibit 2

SKETCH AND DESCRIPTION



LEGEND:

| | |
|----------|------------------------|
| B. C. R. | BROWARD COUNTY RECORDS |
| P. B. | PLAT BOOK |
| PG. | PAGE |
| ⊙ | CENTERLINE |
| R/W | RIGHT-OF-WAY |
| P. O. B. | POINT OF BEGINNING |

THIS IS NOT A SKETCH OF SURVEY

PUBLIC ACCESS EASEMENT

SHEET 2 OF 2

| | | | |
|-----------|----------|-------------|--|
| SCALE: | 1" = 30' | JOB NO: | 16-022 10' ALLEY |
| FB/PG: | N/A | CAD. FILE: | F:\dwgs\16-jobs\16-022\Sketch and Descriptions |
| DRAWN BY: | RRM | DATE: | 12/8/2020 |
| CKD. BY: | TD | PROJ. FILE: | 16-022 |

**DAVID &
GERCHAR,**
SURVEYORS AND MAPPERS

12750 N.W. 40th Street, Bay 1
Coral Springs, Florida 33065
(954) 340-4025 • email: ted@davidandgerchar.com

EXHIBIT "C"

CONDITIONS OF APPROVAL CASE NO. PLN-VAC-20080001

1. Applicant shall grant a public access easement over the vacated alley right-of-way to maintain the existing pedestrian and vehicular connection between SE 9th Avenue and SE 10th Terrace.
2. Applicant shall provide a CCTV videotape of the existing sanitary sewer system beginning at the manhole located at the intersection of SE 10th Terrace to verify all existing services that will need to be reconnected to the new sanitary sewer system.
3. Applicant shall design, permit, and construct a new public sanitary sewer manhole to be located west of the western end of the vacated alleyway. The portion of the existing 8" sewer main located east of the new manhole shall be removed.
4. Applicant shall design, permit, and construct a new public sanitary sewer system. The new system shall connect proposed development and reconnect all existing service along the remaining portion of the Alley east of SE 10th Terrace between E las Olas and SE 2nd Court. The point of connection shall be at the existing public sanitary sewer manhole on SE 10th Terrace north of SE 2nd Court identified as SSMH-5367.
5. 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; and
6. 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; and,
7. 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.