

ORDINANCE NO. C-21-21

AN ORDINANCE VACATING A PORTION OF SOUTHWEST 15<sup>TH</sup> TERRACE LYING ADJACENT TO BLOCKS 1 AND 6, "AMENDED PLAT OF RIVER HIGHLANDS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE 69 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED SOUTH OF BROWARD BOULEVARD, NORTH OF SOUTHWEST 1<sup>ST</sup> STREET, WEST OF SOUTHWEST 14<sup>TH</sup> AVENUE AND EAST OF THE NORTH FORK NEW RIVER, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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WHEREAS, the applicants, Len Renne, Melody Renne and Christian Garay, applied for the vacation of a public right-of-way more particularly described in Composite 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-20060001), 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 Composite Exhibit "A" attached hereto, subject to the conditions listed on Exhibit "B" attached hereto and incorporated herein; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, June 1, 2021, at 6:00 o'clock P.M., and Tuesday, June 15, 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;

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 meetings of June 1, 2021 and June 15, 2021, a portion of those findings expressly listed as follows:

1. The right-of-way is no longer needed for public purpose.
2. The right-of-way is a dead end and is not used for vehicular traffic.
3. The vacation of the right-of-way will not prevent vehicles from being able to travel south on Southwest 14th Avenue and turn west on Southwest 1st Street to circulate the area as is currently done today.
4. Pedestrian traffic will not be adversely affected by the right-of-way vacation. Sidewalks do not currently exist in the area to be vacated and the right-of-way is not currently used for pedestrian through-travel.
5. The applicant has obtained letters of no objection from impacted franchise utilities and the City's Public Works Department. The applicant will be responsible for any relocation or will grant an easement over the existing right-of-way for the utilities that will remain. The utility easement is required by the City's Public Works Department and is a condition of approval.

SECTION 2. That the public right-of-way located south of Broward Boulevard, north of Southwest 1<sup>st</sup> Street, west of Southwest 14<sup>th</sup> Avenue and east of the North Fork New River, 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 "B" attached hereto and incorporated herein.

SECTION 3. 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 4. 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 5. That all ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 6. 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 7. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 8. 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 "B" attached hereto have been met. The applicant shall provide a copy of the recorded certificate to the City.

PASSED FIRST READING this 1<sup>st</sup> day of June, 2021.

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

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Mayor  
DEAN J. TRANTALIS

ATTEST:

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City Clerk  
JEFFREY A. MODARELLI

# "EXHIBIT A"

## SKETCH & DESCRIPTION

### RIGHT-OF-WAY TO BE VACATED

#### LEGAL DESCRIPTION:

A PORTION OF SOUTHWEST 15TH TERRACE, AMENDED PLAT OF RIVER HIGHLANDS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE 69, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY SOUTHEAST CORNER OF LOT 5, BLOCK 1; THENCE NORTH 02°02'59" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SOUTHWEST 15TH TERRACE AND THE EAST LINE OF SAID BLOCK 1, A DISTANCE OF 209.66 FEET TO THE MOST SOUTHERLY POINT OF FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL 149, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 86006-2501; THENCE NORTH 88°21'30" EAST, A DISTANCE OF 50.00 FEET TO THE MOST SOUTHERLY POINT OF FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL 150, AS SHOWN ON THE AFORESAID RIGHT-OF-WAY MAP, SAID POINT LYING AND BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTHWEST 15TH TERRACE AND THE WEST LINE OF BLOCK 6 OF THE AFORESAID PLAT; THENCE SOUTH 02°02'59" EAST ALONG SAID RIGHT-OF-WAY LINE AND WEST LINE OF SAID BLOCK 6, A DISTANCE OF 195.48 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CIRCULAR CURVE HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°42'13" AND AN ARC LENGTH OF 23.48 FEET TO A POINT ON A LINE LYING AND BEING 25.00 FEET NORTH OF AND PARALLEL WITH THE CENTERLINE OF SOUTHWEST 1ST STREET; THENCE SOUTH 88°14'48" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 64.92 TO A POINT ON A LINE BEING THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE AFORESAID LOT 5; THENCE NORTH 02°02'59" WEST ALONG SAID LINE, A DISTANCE OF 0.84 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE LYING AND BEING IN BROWARD COUNTY, FLORIDA. CONTAINING 10,570 SQUARE FEET MORE OR LESS.

#### NOTES:

1. THIS IS NOT A MAP OF BOUNDARY SURVEY, BUT IS A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON.
2. NO MONUMENTATION WAS SET DURING THE PREPARATION OF THIS INSTRUMENT.
3. THE UNDERSIGNED & DJS SURVEYORS, 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 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 RECORD.
4. BEARINGS SHOWN HEREON ARE BASED ON THE WEST RIGHT-OF-WAY LINE OF SOUTHWEST 15TH TERRACE HAVING AN ASSUMED BEARING OF N 02°02'59" W.
5. THIS SKETCH AND DESCRIPTION CONSISTS OF TWO (2) SHEETS AND IS NOT COMPLETE WITHOUT ALL SHEETS.
6. THIS SKETCH AND DESCRIPTION IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND SEAL OF THE CERTIFYING SURVEYOR. THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY DONALD J. SULLIVAN ON 2/24/2021.

REVISE BOUNDARY/DESCRIPTION TO BE PARALLEL WITH 1ST ST. PER COMMENTS	04/16/2021	RM	DJS	
REVISIONS	DATE	BY	CHKD	F.B./PG.



**DJS SURVEYORS, INC.**  
 PROFESSIONAL SURVEYORS AND MAPPERS  
 20283 STATE ROAD 7, SUITE 200  
 BOCA RATON, FL 33498  
 PH. 561.883.0470, FX. 561.883.0480  
 CERTIFICATE OF AUTHORIZATION NO. LB 7870  
 www.djssurveyors.com

NOT VALID WITHOUT THE SIGNATURE AND  
 STAMPED SEAL OF A FLORIDA LICENSED  
 SURVEYOR & MAPPER

DONALD J. SULLIVAN  
 PROFESSIONAL SURVEYOR & MAPPER  
 FLORIDA REGISTRATION NO. 6422  
 DATED: 04/16/2021

**JOB No: 21-187**

FB/PG: 00/00

DRAWN BY: R.M.

CKD. BY: D.J.S.

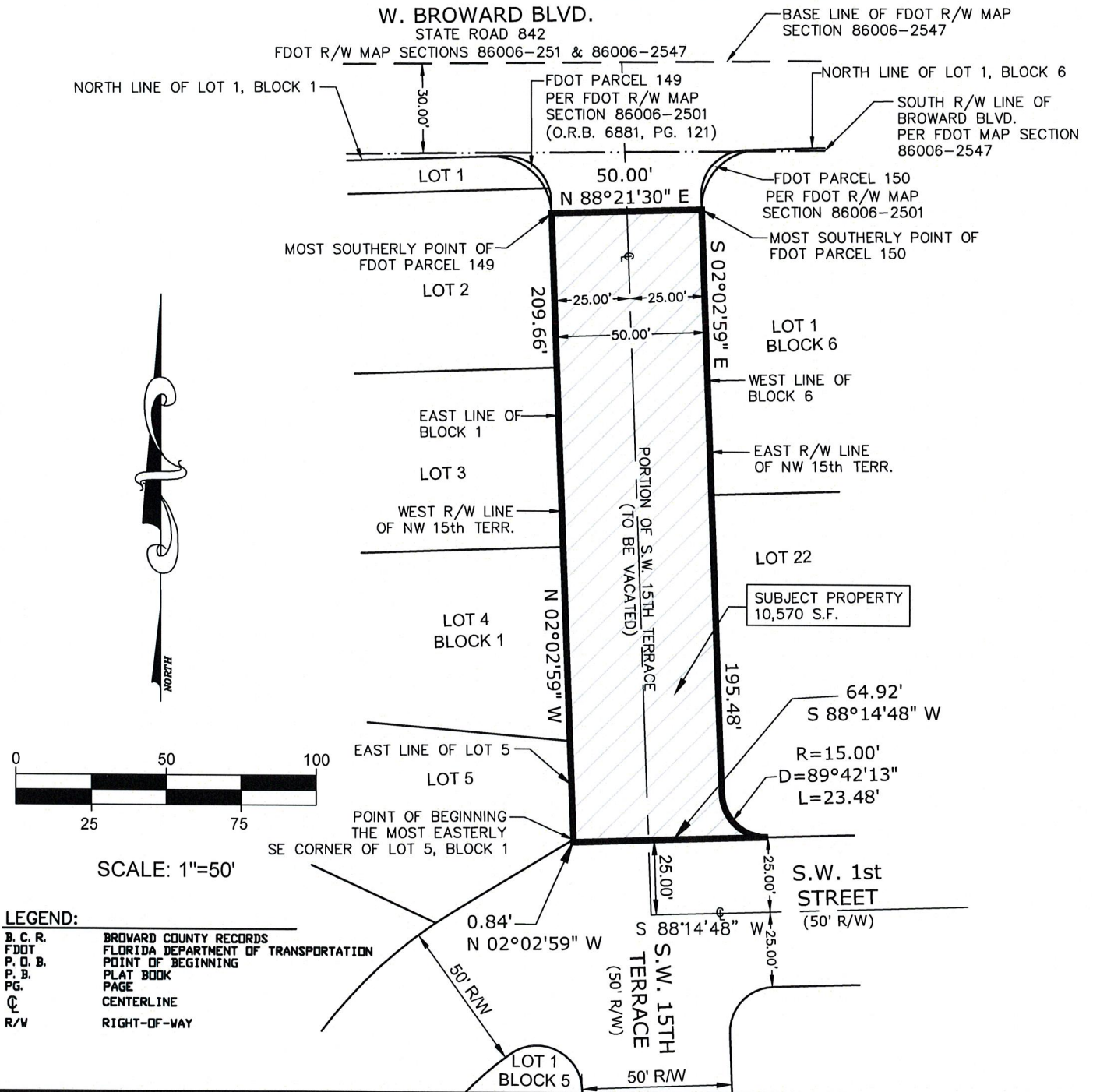
SCALE: N/A

SHEET No:

**1/2**



# "EXHIBIT A" SKETCH & DESCRIPTION RIGHT-OF-WAY TO BE VACATED



REVISE BOUNDARY/DESCRIPTION TO BE PARALLEL WITH 1ST ST. PER COMMENTS

04/16/2021

RM

DJS

ADD ADJACENT R/W INFO

4/15/21

RM

DJS

N/A

REVISIONS

DATE

BY

CHKD

F.B./PG.



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JOB No:

21-187

FB/PG: 00/00

DRAWN BY: R.M.

CKD. BY: D.J.S.

SCALE: 1" = 50'

SHEET No:

2/2

**EXHIBIT "B"**

**CONDITIONS OF APPROVAL  
CASE NO. PLN-VAC-20060001**

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 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 the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider; and,
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.
4. Prior to issuance of Final Certificate of Occupancy, applicant shall dedicate a fifteen (15) foot utility easement along the existing water and sanitary sewer mains within the boundaries of the proposed right-of-way vacation to facilitate City maintenance access as approved by the City Engineer. The fifteen (15) foot utility easement shall also extend along any domestic water service line to including existing or proposed water meter.
5. Prior to issuance of Certificate of Occupancy, applicant shall record utility easements for any existing franchise utilities to remain along the proposed right-of-way vacation boundaries. Applicant to coordinate with franchise utilities on requirements.