

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF OPEN SPACE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 29285, PAGE 1943 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING THE EAST 22.25 FEET OF THE VACATED BRICKELL AVENUE RIGHT OF WAY ADJACENT TO PARCEL "A", "BRICKELL REDEVELOPMENT PLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 147, PAGE 27 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED NORTH OF THE NEW RIVER, SOUTH OF WEST LAS OLAS BOULEVARD, EAST OF THE FLORIDA EAST COAST RAILWAY AND WEST OF SOUTH ANDREWS 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"), Las Olas Riverfront, LP is applying to vacate a portion of a 68-foot wide by 179 foot long open space easement generally located south of Las Olas Boulevard, north of the New River between Andrews Avenue and the Florida East Coast railroad tracks, more fully described in SECTION 2 below; and

WHEREAS, the portion to be vacated is 22.25 feet wide leaving 47 feet in width and 179 feet in length; and

WHEREAS, the City's Development Review Committee reviewed the application on June 22, 2021 and all comments have been addressed and are available for review; 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 July 6, 2021, a portion of those findings expressly listed as follows:

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.

SECTION 2. That the below described easement is hereby vacated and shall no longer constitute an easement for open space, subject to the conditions provided in SECTION 3 of this resolution:

See legal description more particularly described in Exhibit "A" attached hereto.

Location: SW 1st Avenue between Las Olas Boulevard and the New River

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.

- 3. Utility letters of no objection from Florida Power and Light and Comcast shall be provided before vacation of the open space easement shall be deemed final.

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 ____ day of _____, 2021.

 Mayor
 DEAN J. TRANTALIS

ATTEST:

 City Clerk
 JEFFREY A. MODARELLI



McLAUGHLIN ENGINEERING COMPANY
LB#285

ENGINEERING * SURVEYING * PLATTING * LAND PLANNING
1700 N.W. 64th STREET #400, FORT LAUDERDALE, FLORIDA 33309
PHONE (954) 763-7611 * FAX (954) 763-7615

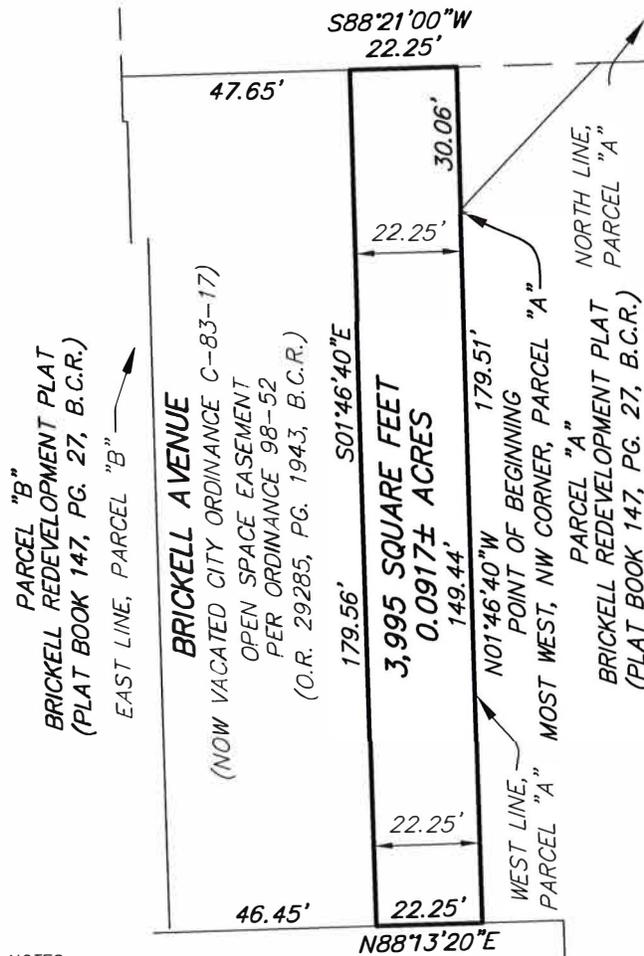
EXHIBIT A TO
RESO.

M.D.O.I.C.

SCALE 1" = 40'

SKETCH AND DESCRIPTION
A PORTION OF THE EAST 1/2
VACATED BRICKELL AVENUE
(P.B. 147, PG. 27, B.C.R.)
BEING A VACATION OF A PORTION
OF OPEN SPACE EASEMENT PER
RESOLUTION 98-52
(O.R. 29285, PG. 1943, B.C.R.)

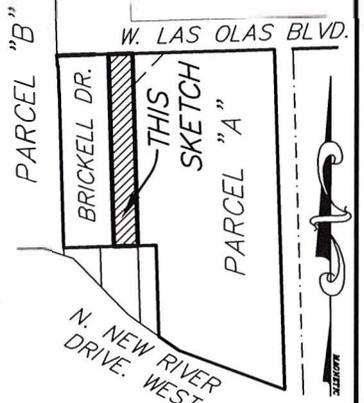
WEST LAS OLAS BOULEVARD



LEGAL DESCRIPTION:

A portion of Brickell Avenue right-of-way (now vacated), between Parcel "A" and Parcel "B", BRICKELL REDEVELOPMENT PLAT, according to the plat thereof, as recorded in Plat Book 147, Page 27, of the public records of Broward County, Florida, more fully described as follows:

EXHIBIT "B"



SITE LAYOUT
NOT TO SCALE

Beginning at the most West, Northwest corner of said Parcel "A"; thence North 01°46'40" West, on the Northerly extension of the West line of said Parcel "A", a distance of 30.06 feet; thence South 89°21'00" West, on the Westerly extension of the North line of said Parcel "A", a distance of 22.25 feet; thence South 01°46'40" East, on a line 22.25 feet West of and parallel with the East line of said Parcel "A" a distance of 179.56 feet; thence North 88°13'20" East, a distance of 22.25 feet; thence North 01°46'40" West, on the East line of said Parcel "A", a distance of 149.44 feet to the Point of Beginning.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 3,995 square feet or 0.0917 acres more or less.

CERTIFICATION

Certified Correct. Dated at Fort Lauderdale, Florida this 14th day of June, 2021.
Revised drawing title this 16th day of June, 2021.
Revised this 22nd day of June, 2021.

McLAUGHLIN ENGINEERING COMPANY

JAMES M. McLAUGHLIN JR.

Digitally signed by James M. McLaughlin Jr.
Date: 2021.06.22 05:40:19 -04'00'

Registered Land Surveyor No. 4497
State of Florida.



NOTES:

- 1) This sketch reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements, road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Legal description prepared by McLaughlin Engineering Co.
- 3) This drawing is not valid unless sealed with an appropriate surveyors seal.
- 4) THIS IS NOT A BOUNDARY SURVEY.
- 5) Bearings shown assume the West line of Parcel "A", as North 01°46'40" West.

FIELD BOOK NO. _____

DRAWN BY: JMMjr

JOB ORDER NO. V-5977

CHECKED BY: _____

REF. DWG.: 20-2-041

C: \JMMjr\2021\V5977 (SKETCH)