



SUSTAINABLE DEVELOPMENT – URBAN DESIGN PLANNING RIGHT-OF-WAY/EASEMENT APPLICATION

Rev: 2 | Revision Date: 10/01/2020 | I.D. Number: ROWEA

DEVELOPMENT REVIEW COMMITTEE (DRC) Right-of-way / Easement Application

- Cover:** Deadline, Notes, and Fees
- Page 1:** Applicant Information Sheet
- Page 2:** Required Documentation / Submittal Checklist
- Page 3:** Other Property & Right-of-Way related items for discussion

DEADLINE: Submittals must be received by 4:00 PM each business day. Pursuant to Section 47-24.1(1), the Department will review all applications to determine completeness within five (5) business days. Applicants will be notified via email, if plans do not meet the submittal requirements and if changes are required.

NOTES: Prior to formal submittal of applications, applicants are encouraged to schedule an appointment with Urban Design & Planning Division staff to obtain feedback regarding subject proposals, especially right-of-way vacation requests, as well as any other considerable development projects. The meetings provide an opportunity for applicants to obtain feedback and general direction, prior to expending significant effort on design and preparation of submittal documents.

Optional 15-minute time slots are available during DRC meetings for scheduling to applicants, to obtain signatures on completed DRC plans (including Pre-Planning and Zoning Board, Pre- City Commission and Final DRC plans) from all representatives at one time, in preference to scheduling individual appointments. Appointments are subject to availability. To make an appointment, please call 954-828-6531 latest by Friday at 12:00 noon prior to the meeting date.

Other Property & Right-of-Way related items for discussion: the application and submittal requirements are attached on the last page of this application.

FEES: All applications for development permits are established by the City Commission, as set forth by resolution and amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City, or special advertising costs shall be paid by the applicant. Any additional costs, which are unknown at the time of application, but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit.

Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, license, encroachment, water and sanitary sewer agreements, shall be preceded by the execution and filing of the following application form and the payment with said application fee of \$100.00, (Ordinance No. C-84-65), which shall be nonrefundable. This application must be presented and the fee paid before agreement is prepared or considered. If publication is necessary, applicant agrees to pay the cost of such publication

<input type="checkbox"/> Easement Vacation	\$ 1,600.00
<input type="checkbox"/> Right-of-Way Vacation	\$ 1,600.00
<input type="checkbox"/> Development Agreements with the City *	\$ 150.00 / Hour
<input type="checkbox"/> Other Property & Right-of-Way related items for discussion	\$ 150.00/Hour

* Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, revocable license, encroachment, water and sanitary sewer agreements)



Page 1: DRC Vacation / Agreements - Applicant Information Sheet

INSTRUCTIONS: The following information is requested pursuant to the City's Unified Land Development Regulations (ULDR). The application must be filled out accurately and completely. Please print or type and answer all questions. Indicate N/A if does not apply.


NOTE: To be filled out by Department

Case Number	UDP-EV21003
Date of complete submittal	June 9, 2021

NOTE: For purpose of identification, the **PROPERTY OWNER** is the **APPLICANT**

Property Owner's Name	
Property Owner's Signature	If a signed agent letter is provided, no signature is required on the application by the owner.
Address, City, State, Zip	
E-mail Address	
Phone Number	
Proof of Ownership	<input type="checkbox"/> <u>Warranty Deed</u> or <input type="checkbox"/> <u>Tax Record</u>

NOTE: If **AGENT** is to represent **OWNER**, notarized letter of consent is required

Applicant / Agent's Name	
Applicant / Agent's Signature	
Address, City, State, Zip	
E-mail Address	
Phone Number	
Letter of Consent Submitted	

Development / Project Name	
Development / Project Address	Existing: _____ New: _____
Legal Description	
Tax ID Folio Numbers (For all parcels in development)	
Request / Description of Project	
Applicable ULDR Sections	
Total Estimated Cost of Project	\$ _____ (Including land costs)

Current Land Use Designation	
Current Zoning Designation	
Current Use of Property	

Additional property owners who wish to be included in the request, if applicable. Use additional sheets if necessary.				
Name and Signature	Folio Number	Subdivision	Block	Lot

NOTE: Applicant must indicate if/how the following provisions are met:

1. All utilities (list below) located within the easement and/or right-of-way must be relocated pursuant to a relocation plan; and
2. The owner of the utility facilities must consent to the vacation; or
3. A utilities easement must be retained over the area or portion thereof; or
4. An easement in a different location must be provided for the utility facilities by the owner to the satisfaction of the City; or
5. Any combination of same and utilities maintenance are not disrupted.
6. Applicants shall satisfactorily support vacation requests by addressing each point listed in Sections 47-24.6 and 47-24.7 of the city's Unified Land Development Regulations (ULDR) as applicable.

TECO, Peoples Gas
5101 NW 21st Avenue
Fort Lauderdale, FL 33309
(954) 453-0817, (954) 453-0804 fax

Florida Power and Light
Service Planning
3020 N.W. 19 St.
Fort Lauderdale, FL 33311
(954) 717-2057, (954) 717-2118 fax

BellSouth
8601 W. Sunrise Blvd., 2nd Floor
Plantation, FL 33322
(954) 476-2909

Comcast, Inc.
2501 SW 145 Ave, Suite 200
Miramar, FL 33027
(954) 534-7417, (954) 534-7083 fax



Page 2: Required Documentation

INSTRUCTIONS: An application for a vacation of an easement, a right-of-way or other public place shall be reviewed in accordance with all applicable provisions of ULDR Sec. 47-24.6 Vacation of Rights-of-Way and/or Sec. 47-24.7 Vacation of Easement.

One (1) copy of the following documents:

- Completed application (all pages filled out as applicable)
- Proof of ownership (warranty deed or tax record), including corporation documents if applicable. Proof of ownership by Title Co. or written Attorney's opinion within the last 30 days.
- Property owners signature and/or agent letter signed by the property owner.
- Traffic study for projects that meet the trip threshold (see Sec. 47-24 or contact DRC Engineering Rep.)
- Color photographs of the entire property and all surrounding properties, dated and labeled and identified as to orientation.

The following number of Plans:

- One (1) original set, signed and sealed at 24" x 36"
- Six (6) copies sets, with plans at 11" x 17"
- One (1) electronic version of complete application and plans in PDF format


NOTE: For initial submittal one signed and sealed set is required. Copied sets will be requested after completion review. If the development site is separated by a public right-of-way including alley or alley reservations, a separate application must be completed for each parcel.

Plan sets should include the following:

- Narrative** describing project specifics, to include: architectural style and important design elements, utilities affected and the plan to address them, trash disposal system, security/gating system, hours of operation, etc. Narrative response referencing all applicable sections of the ULDR, with point-by-point responses of how project complies with criteria. Narratives must be on letterhead, dated, and with author indicated.
- Cover sheet** including project name and table of contents.
- Land Use and Zoning maps** indicating all properties within 700 ft. of the subject property. These should be obtained from Urban Design & Planning Division. Site should be highlighted or clearly marked to identify the parcel(s) under consideration on all sets.
- Current survey(s)** of property, signed and sealed, showing existing conditions. The survey should consist of the proposed project site alone excluding adjacent properties or portions of lands not included in the proposal. A current certified boundary survey (within last 6 months) is required for "agreements with City of Fort Lauderdale applications".
- Most current recorded plat** including amendments, with site highlighted. This may be obtained from Broward County Public Records at 115 S. Andrews Ave.
- Aerial photo** indicating all properties within 700 ft. of the subject property. Must be clear and current with site highlighted.
- Sketch and legal description** of easement or ROW proposed to be vacated (must be prepared by Engineer or Surveyor).

NOTES:

- All plans and documents must be bound, stapled and folded to 8 1/2" x 11";
- All copy sets must be clear and legible and should include any graphic material in color;
- Civil Engineering plans are only required at Final-DRC sign-off. Contact DRC Engineering Representative for details;

<p>Applicant's Affidavit I acknowledge that the Required Documentation and Technical Specifications of the application are met:</p> <p>Print Name _____</p> <p>Signature _____ </p> <p>Date _____</p>	<p>Staff Intake Review For Urban Design & Planning Division use only:</p> <p>Date _____ <u>June 9, 2021</u></p> <p>Received By _____ <u>J. Hetzel</u></p> <p>Tech. Specs Reviewed By _____ <u>Jim Hetzel</u></p> <p>Case No. _____ <u>UDP-EV21003</u></p>
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Amendment to Open Space Easement

Resolution Number 98-52

Narrative

SW 1st Avenue,

Fort Lauderdale, FL 33301

Contents:

Section 1: Property Background

Section 2: Description of Amendment

Section 3: Review Criteria ULDR Section 47-24.7

Section 1: Property Background

On March 1, 1983, the Fort Lauderdale City Commission (“the Commission”) approved Ordinance Number C-83-17 (Exhibit A), which vacated a portion of SW 1st Avenue between West Las Olas Boulevard and North New River Drive (“the Property”). As stated in Section 3 of ordinance C-83-17, the City of Fort Lauderdale (“the City”) retained a pedestrian easement on the vacated Property. In 1998, the Commission recorded Resolution 98-52 (Exhibit B), which vacated the pedestrian easement on the condition that the owner/developer grant the City an open space easement along the Property. The 1998 vacation was necessary because the pedestrian easement did not allow the use of mobile vendors, which became an important part of Las Olas Riverfront. The 1998 Sketch that accompanied the staff memorandum for Resolution 98-52, shown as Exhibit C, depicts the easement area.

Over the last 20 years, the Riverfront and the Property have grown with the City of Fort Lauderdale. The redevelopment of the Property created an over 68-foot-wide area containing hardscape such as fountains, stairs, catwalk, and areas for mobile vendors from the North New River to SW 1st Avenue, which in some cases interfered with the pedestrian experience. The most recent redevelopment has amplified the open space for pedestrians and vendors as the surrounding properties become more entertainment friendly.



The Property - 2015



The Property - 2021



Property Aerial - 2017



Property Aerial - 2021

Section 2: Description of Amendment

Presently, Las Olas Riverfront, LP, (“the Property Owner”) respectfully applies to amend the open space easement by vacating 22.25 feet of the 68.7-foot-wide portion of the Property. As can be seen from the 2021 Sketch and Description in Exhibit D, the Property will have a remaining 46.45-foot-wide portion of open space easement area, which is consistent with 50-foot-wide portion of platted right-of-way depicted in the 1998 Sketch of the Property shown in Exhibit C.

Section 3: Review Criteria ULDR Section 47-24.7

Section 47-24.7 - Vacation of easement.

...

4. *Criteria. An application for a vacation of an easement shall also be reviewed in accordance with the following criteria:*

a. *The easement is no longer needed for public purposes.*

RESPONSE: The removal of a 22.25-foot-wide portion of the open space easement will leave a remaining 46.45-foot-wide open space easement, which is consistent with the purpose of the easement as approved in 1998 and provides more than sufficient pedestrian access from North New River Drive to SW 1st Avenue.

b. *All utilities located within the easement have been or will be relocated pursuant to a relocation plan; and the owner of the utility facilities has consented to the vacation; or a portion of the easement area is maintained; or an easement in a different location has been provided by the utility facilities by the owner to the satisfaction of the city; or any combination of same.*

RESPONSE: Pursuant to Ordinance Number C-83-17, any utilities within the rights-of-way were to be vacated or relocated. In amending the open space easement approved by Resolution 98-52, any existing utilities will be vacated or relocated, if necessary.

ORDINANCE NO. C-83-17

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF S. W. 1ST AVENUE BETWEEN W. LAS OLAS BLVD. AND N. NEW RIVER DRIVE WEST AND THE PUBLIC WALKWAY BETWEEN LOTS 7 AND 8, BLOCK D, TOWN OF FORT LAUDERDALE, RECORDED IN PLAT BOOK B, PAGE 40, DADE COUNTY RECORDS, IN FORT LAUDERDALE, FLORIDA.

WHEREAS, the Planning and Zoning Board, at its meeting of May 19, 1982 (13-P-82), recommended the vacation, abandonment and closing of the below-described portion of S. W. 1st Avenue and walkway west of W. Las Olas Blvd.; and

WHEREAS, the Board made such recommendation subject to the retention of a utility easement and a public access easement over the entire area to be vacated; and

WHEREAS, all utilities existing within the rights-of-way to be vacated shall be relocated or abandoned to the satisfaction of the City Engineer and franchised public utilities; and

WHEREAS, the City Clerk has notified the public of a public hearing to be held on February 1, 1983, at 10 o'clock A.M. in the City Commission Room, City Hall, Fort Lauderdale, Florida for the purpose of hearing any objections which might be made to said vacation, abandonment and closing; and

WHEREAS, such public hearing was duly held at the time and place designated and due notice of same was given by publication as is required by law and the City Commission has determined that there were no persuasive objections to the vacation, abandonment and closing as aforementioned; and

WHEREAS, the City Commission has determined that the public's interests shall best be served by vacating, abandoning and closing said rights-of-way in order to provide for a consolidated site for the construction of the Broward County School Board's Administrative Center;

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

SECTION 1. That the below-described rights-of-way are hereby vacated, abandoned and closed and shall no longer constitute a public right-of-way:

S. W. 1st Avenue from West Las Olas Boulevard (Sterling Place) to North New River Drive West more particularly described as follows: that dedicated right-of-way lying between Block 26 and Block "D", TOWN OF FORT LAUDERDALE, as recorded in Plat Book "B", page 40, of the public records of Dade County, Florida, lying North of a line connecting the Southwest corner of said Block 26 and the Southeast corner of said Block "D", and lying South of the Westerly extension of the North line of the South 35.00 feet of Lot 9 of said Block 26;

TOGETHER WITH: All that portion of right-of-way of S. W. First Avenue as maintained and claimed by the City of Fort Lauderdale, Florida, as recorded in Miscellaneous Map Book 4, Page 45, of the public records of Broward County, Florida,

lying South of the Westerly extension of the North line of the South 35.00 feet of said Lot 9, Block 26, and being all more fully described as follows:

BEGIN at the Southeast corner of said Block "D"; thence North $71^{\circ} 26' 40''$ West, along the South line of said Block "D", a distance of 9.28 feet; thence North $1^{\circ} 46' 40''$ West, along a line 8.70 feet West of and parallel with the East line of said Block "D", a distance of 151.79 feet to a point on the North line of Lot 12 of said Block "D"; thence South $88^{\circ} 21' 00''$ West, a distance of 1.00 feet; thence North $1^{\circ} 46' 40''$ West, along a line 9.90 feet West of the parallel with the said East line of Block "D", a distance of 9.50 feet; thence North $88^{\circ} 21' 00''$ East, along the Westerly extension of the North line of the South 35.00 feet of Lot 9, of said Block 26, and along the said North line, a distance of 69.90 feet; thence South $1^{\circ} 46' 40''$ East, along a line 10.00 feet East of the parallel with the West line of said Block 26, a distance of 252.11 feet to a point on the South line of said Block 26; thence North $54^{\circ} 37' 40''$ West, along the said South line, a distance of 12.55 feet to the southwest corner of said Block 26; thence North $44^{\circ} 13' 16''$ West, a distance of 74.09 feet to the POINT OF BEGINNING.

TOGETHER WITH: The South 5.00 feet of Lot 7, and the North 2.00 feet of the West 39.00 feet of Lot 8, all in Block "D", TOWN OF FORT LAUDERDALE, as recorded in Plat Book "B", Page 40, of the public records of Dade County, Florida, LESS right-of-way as maintained and claimed by the City of Fort Lauderdale, Florida, for S. W. First Avenue, as recorded in Miscellaneous Map Book 4, Page 45, of the public records of Broward County, Florida.

SECTION 2. That a utility easement is hereby retained by the City over all of the property being vacated, abandoned and closed, said property being more fully described in Section 1.

SECTION 3. That an easement for the passage of vehicular and pedestrian traffic, together with the customary uses attendant thereto, is hereby retained by the City over all of the property being vacated, abandoned and closed, said property being more fully described in Section 1.

SECTION 4. That a copy of this Ordinance shall be recorded in the Public Records of Broward County 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, be and the same are hereby repealed.

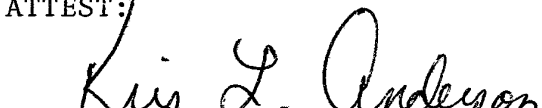
SECTION 7. That this Ordinance shall take effect upon the acquisition by the School Board of Broward County, Florida, of all right, title and interest in and to each and every parcel of real property abutting the property being vacated, abandoned and closed, said property being more fully described in Section 1.

PASSED FIRST READING this the 1st day of February, 1983.
PASSED SECOND READING this the 1st day of March, 1983.



Mayor-Commissioner
Robert A. Dressler

ATTEST:


Ass't. City Clerk
Kris L. Anderson

1624g

MEMORANDUM NO. 98-621

R-4

DATE: March 31, 1998

TO: Mayor Jim Naugle
Vice Mayor Tim Smith
Commissioner John E. Aurelius
Commissioner Carlton B. Moore
Commissioner Jack Latona

FROM: George L. Hanbury, City Manager *George L. Hanbury*

VIA: Scott Adams, Planning & Economic Development Director

BY: Chuck Adams, Manager of Development Programs

SUBJECT: April 7, 1998 Agenda - Las Olas Riverfront - Vacation of a Pedestrian Easement over a Portion of S.W. 1st Avenue Subject to Conditions

The Las Olas Riverfront project is nearing completion. Issuance of a temporary certificate of occupancy anticipated by April 15, 1998, with the grand opening showcasing the Regal Theater and fun center planned for the end of May 1998.

Your approval is requested to vacate a retained pedestrian access easement in what is the plaza and open court yard area of the project (see Exhibit 1). This is conditioned on the requirement that Las Olas Riverfront Associates grants the City a public open space easement over that portion of the area owned by the developer.

BACKGROUND

On March 1, 1983, Ordinance C-83-17 was adopted vacating S.W. 1st Avenue between West Las Olas Boulevard and North New river Drive West. Certain easements were retained until new development could occur. When the Development Agreement was approved on November 19, 1991 for what is now the Las Olas Riverfront, mechanisms for release and adjustments to various easement areas were authorized, but this area was to be retained as a pedestrian access easement. On May 5, 1993, Parcels A & B of the Brickell Redevelopment Plat were conveyed to the developer in order to commence the first construction phase of the project. In conjunction with the closing, the developer granted back to the City the required pedestrian easement.

SUBSTITUTION OF PEDESTRIAN EASEMENT

The intent of retaining the pedestrian easement is to assure that the public has continuous access through this portion of the development to the Riverwalk Area. While the development plan for Las Olas Riverfront evolved from predecessor plans, maintaining access through this corridor has been common to all plan concepts. No change to this is being contemplated. The plaza and court yard is a project focal point, serving as an entranceway to both the interior uses of the project and the exterior uses, including the Licensed Area along Riverwalk. However, essential to the design concept from project inception has been the interaction of the development and people with the waterfront, and the encouragement of open air dining, entertainment, special events and vending. The

Memorandum No. 98-621
March 31, 1998
Page 2

developers use of the Riverwalk Area to undertake these activities was granted by the Commission through the License Agreement also approved on November 19, 1991.

However, when the Commission amended Section 23 of the City Code on Mobile Vendors (Ordinance C-93-46 adopted on July 20, 1993), it provided in part that mobile vending carts are prohibited on public streets and sidewalks. The definition of streets and sidewalks includes those areas granted to the public through easement. While exclusion of vending from the retained pedestrian easement over this portion of the project was never intended, the subsequent amendment to the mobile vendors ordinance has raised the technical impediment to the developers ability to operate vending carts in this portion of the vending plan area (see Exhibit 2).

In order to remedy this situation, the developer has requested that the pedestrian easement be vacated by the City, and substituted by a public open space easement that Las Olas Riverfront Associates will grant the City. The open space easement will continue the perpetual access through the plaza and court yard area by the public, but also permit passive park like uses and amenities, including vending carts.

RECOMMENDATION

We recommend approval of the vacation of the described portion of S.W. 1st Avenue retained as a pedestrian access easement, conditioned on the granting to the City by Las Olas Riverfront Associates of an open space easement in that portion of the area owned by the developer.

GLH:SA:CA

Attachment

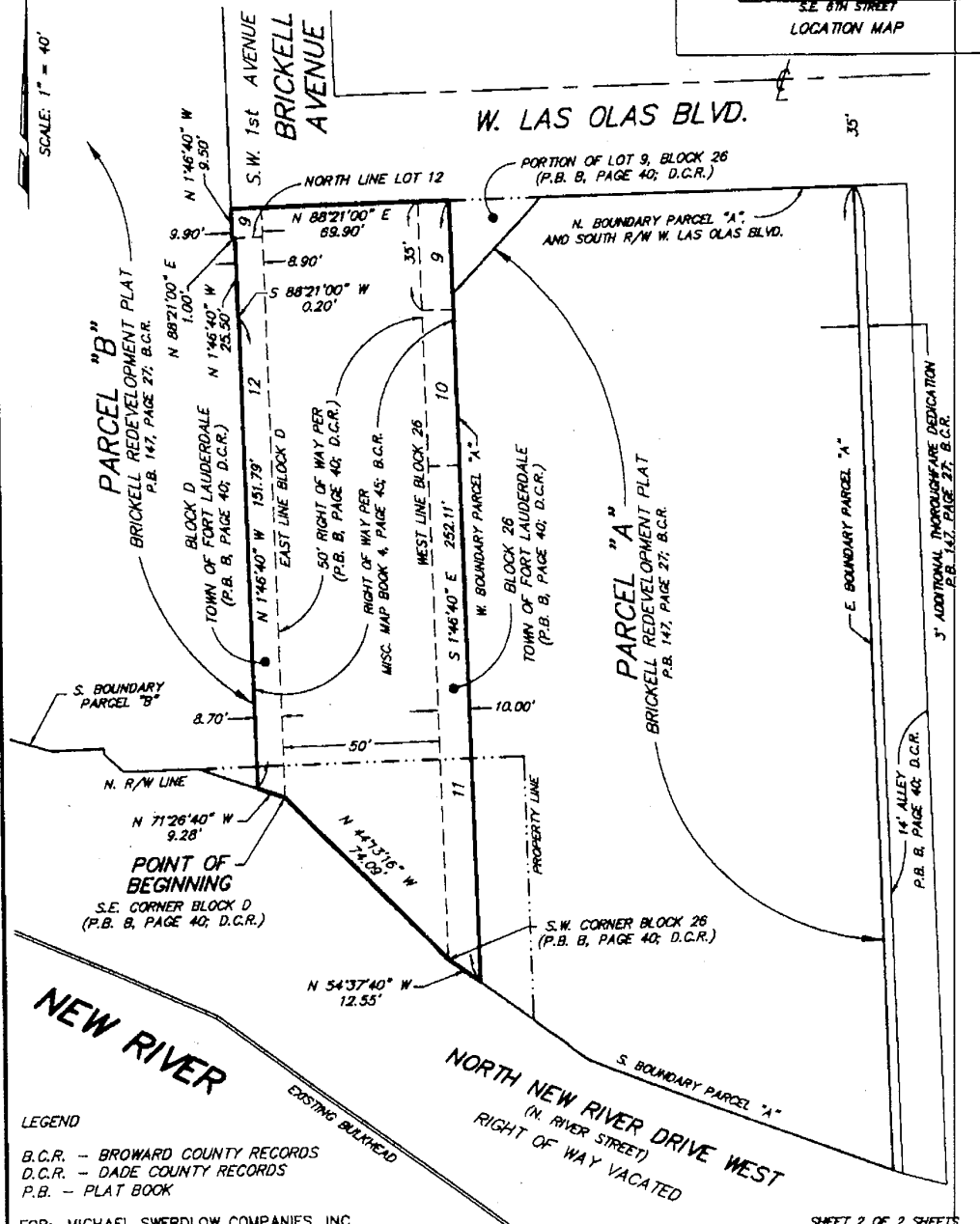
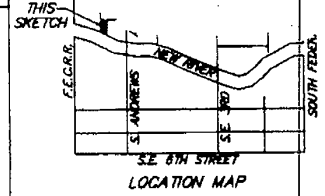


Craven Thompson & Associates Inc.
 ENGINEERS • PLANNERS • SURVEYORS
 3583 N.W. 53RD. STREET, FORT LAUDERDALE, FLORIDA 33309
 (954) 730-6400 OFFICES: FORT LAUDERDALE, VERO BEACH

EXHIBIT 1

NOTE: THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property, or monuments set in connection with the preparation of the information shown hereon.

SKETCH TO ACCOMPANY DESCRIPTION
 PORTION OF S.W. 1ST AVENUE



UPDATES and/or REVISIONS	DATE	BY	CK'D

NOTE The undersigned and CRAVEN-THOMPSON & ASSOCIATES, INC. make no representations or guarantees as to the information reflected hereon pertaining to easements, rights-of-way, set back lines, reservations, agreements and other similar 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.

NOTE Lands shown hereon were not abstracted for right-of-way and/or easements of record.

G:\1891\110057\1STAVEDWG

JOB NO. 91-0057 DRAWN BY: BF CHECKED BY: DMB F.B. PG. DATED: 10-1-97

EXHIBIT 2

LAW OFFICES

JEFFREY S. SINIAWSKY, P.A.

790 EAST BROWARD BOULEVARD, SUITE 200

FORT LAUDERDALE, FLORIDA 33301

PHONE: (954) 763-7000

FAX: (954) 764-2771

March 30, 1998

Chuck Adams, Manager
Development Programs
City of Fort Lauderdale
Planning and Economic Development Department
City Hall
100 North Andrews Avenue
Fort Lauderdale, Fl 33301

**Re: Las Olas Riverfront, Vacation of Pedestrian Easement
over a portion of S.W. First Avenue**

Dear Chuck:

This law firm represents Las Olas Riverfront Associates, Limited Partnership, the developers of the Las Olas Riverfront project. Construction of the Las Olas Riverfront project is nearing completion. It is anticipated that some tenants will open on or about April 15th, 1998, with the formal project opening to occur in mid to late May, 1998. The purpose of this letter is to request that the City vacate a pedestrian access easement in what is to be the plaza and open courtyard area of Las Olas Riverfront, and accept an open space easement in substitution for the pedestrian easement.

As you are aware, at the time of the closing on Parcels A and B of the Brickell Redevelopment Plat, the developer granted to the City a pedestrian easement over the previously vacated S.W. First Avenue between West Las Olas Boulevard and North New River Drive West. The intent and purpose of the pedestrian easement was to assure continuous public access through Las Olas Riverfront to the Riverwalk. In keeping with this need and requirement for continuous public access, the area covered by the pedestrian easement has been planned, designed and constructed as an open plaza and courtyard that encourages open-air dining, entertainment and mobile vending while providing access to Riverwalk.

In July, 1993, the City Commission amended its mobile vendor ordinance, prohibiting mobile vending carts on public streets and sidewalks. As public pedestrian easements, such as the one granted by the developer to the City at the time of the closing on Parcels A and B, were arguably included within the definition of streets and sidewalks upon which mobile vending carts are prohibited, the

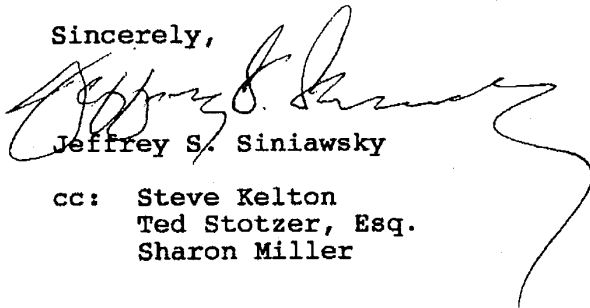
Page Two
March 30, 1998
Chuck Adams, Manager
Development Programs

amendment to the ordinance frustrated the intent and purpose of this open area. It was never intended that mobile vending carts were to be excluded from this pedestrian easement area and the exclusion raises technical impediments to Las Olas Riverfront's ability to operate vending carts as planned in accordance with the vending cart plan attached hereto.

It is hereby requested that the pedestrian easement granted at the closing of Parcels A and B, be vacated and released by the City. In substitution for this pedestrian easement, we request that the City accept an open space easement. Such an open space easement will provide for the perpetual public access through the plaza and courtyard area, as well as permit passive and park like uses, including mobile vending carts.

It would be appreciated if this matter could be placed upon an upcoming agenda for consideration by the City Commission. Please do not hesitate to contact me should you have any questions.

Sincerely,



Jeffrey S. Siniawsky

cc: Steve Kelton
Ted Stotzer, Esq.
Sharon Miller

CERTIFICATION

I certify this to be a true and correct copy of the record of the City of Fort Lauderdale, Florida.

98-270391 T#001
05-08-98 12:40PM

WITNESSETH my hand and official seal of the City of Fort Lauderdale, Florida, this the 6 day of May, 1998
Janni M. Furr City Clerk

RESOLUTION NO. 98-52

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THAT CERTAIN PEDESTRIAN EASEMENT KNOWN AS CITY OF FORT LAUDERDALE EASEMENT NUMBER 1761 AND RETAINED IN CITY ORDINANCE NO. C-83-17, BEING A PORTION OF BRICKELL AVENUE (SOUTHWEST 1ST AVENUE) BOUNDED ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF NORTH NEW RIVER DRIVE WEST (NORTH RIVER STREET) AND BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF WEST LAS OLAS BOULEVARD AND ITS WESTERLY EXTENSION, LOCATED BETWEEN ANDREWS AVENUE AND THE FLORIDA EAST COAST RAILROAD, NORTH OF THE NEW RIVER AND SOUTH OF WEST LAS OLAS BOULEVARD.

WHEREAS, under the provisions of Section 47-24.7 of the Unified Land Development Regulations (hereinafter "ULDR") of the City of Fort Lauderdale, Florida, Las Olas Riverfront Associates Limited Partnership, f/k/a Brickell Station Associates Limited Partnership, is applying for the vacation of a pedestrian easement retained in Easement Deed No. 1761, recorded in OR Book 20694 at Page 972 ("Deed") and further retained in City Ordinance No. C-83-17, more fully described in Section 1, below; and

WHEREAS, the utilities easement also granted by the Deed shall remain in accordance with the terms of the Deed; and

WHEREAS, prior to the effectiveness of the vacation of the pedestrian easement, an open space easement shall be conveyed to City;

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

SECTION 1. That the below described pedestrian easement is hereby vacated and shall no longer constitute an easement for pedestrian purposes:

See Exhibit "A" attached hereto and made a part hereof.

Location: Between Andrews Avenue and the Florida East Coast Railway, north of the New River and south of West Las Olas Boulevard.

98-52 City of Fort Lauderdale
City Clerk
c/o Finance Dept., 6th Floor
100 N. Andrews Avenue
Fort Lauderdale, FL 33301

BK28181PG0331

SECTION 2. That the vacation shall take effect on the date an open space easement over the area described in Exhibit "B" is recorded in the Public Records of Broward County, Florida.

SECTION 3. That the City Attorney is hereby directed to record a copy of this Resolution in the Public Records of Broward County, Florida and after recording to transmit the same to the City Clerk for filing in the City's records.

SECTION 4. That the City Clerk is hereby directed to forward a certified copy of this Resolution to Las Olas Riverfront Associates Limited Partnership.

ADOPTED this the 7th day of April, 1998.



Mayor
JIM NAUGLE

ATTEST:



city clerk
LUCY MASLIAH

BK 28181 PG 0332

DESCRIPTION: SW 1ST AVENUE FROM WEST LAS OLAS BOULEVARD TO NORTH NEW RIVER DRIVE WEST

THAT DEDICATED RIGHT-OF-WAY LYING BETWEEN BLOCK 26 AND BLOCK D, TOWN OF FORT LAUDERDALE, AS RECORDED IN PLAT BOOK B, PAGE 40 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LYING NORTH OF A LINE CONNECTING THE SOUTHWEST CORNER OF SAID BLOCK 26 AND THE SOUTHEAST CORNER OF SAID BLOCK D, AND LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 35.00 FEET OF LOT 9 OF SAID BLOCK 26; TOGETHER WITH ALL THAT PORTION OF RIGHT OF WAY FOR SW 1ST AVENUE AS MAINTAINED AND CLAIMED BY THE CITY OF FORT LAUDERDALE, FLORIDA, AS RECORDED IN MISCELLANEOUS MAP BOOK 4, PAGE 45 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 35.00 FEET OF SAID LOT 9, BLOCK 26, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK D; THENCE NORTH 71°26'40" WEST, ALONG THE SOUTH LINE OF SAID BLOCK D, A DISTANCE OF 9.28 FEET; THENCE NORTH 1°46'40" WEST, ALONG A LINE 8.70 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID BLOCK D, A DISTANCE OF 151.79 FEET; THENCE SOUTH 88°21'00" WEST, A DISTANCE OF 0.20 FEET; THENCE NORTH 1°46'40" WEST ALONG A LINE 8.90 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID BLOCK D, A DISTANCE OF 25.50 FEET TO A POINT ON THE NORTH LINE OF LOT 12 OF SAID BLOCK D; THENCE SOUTH 88°21'00" WEST, A DISTANCE OF 1.00 FOOT; THENCE NORTH 1°46'40" WEST, ALONG A LINE 9.90 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID BLOCK D, A DISTANCE OF 9.50 FEET; THE LAST FIVE (5) DESCRIBED COURSES BEING COINCIDENT WITH THE EASTERLY BOUNDARY OF 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; THENCE NORTH 88°21'00" EAST, ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 35.00 FEET OF LOT 9, OF SAID BLOCK 26, AND ALONG THE SAID NORTH LINE, A DISTANCE OF 69.90 FEET; THENCE SOUTH 1°46'40" EAST, ALONG A LINE 10.00 FEET EAST OF THE PARALLEL WITH THE WEST LINE OF SAID BLOCK 26, A DISTANCE OF 252.11 FEET TO A POINT ON THE SOUTH LINE OF SAID BLOCK 26, A PORTION OF THE LAST DESCRIBED COURSE BEING COINCIDENT WITH THE WESTERLY BOUNDARY OF PARCEL "A", OF SAID BRICKELL REDEVELOPMENT PLAT; THENCE NORTH 54°37'40" WEST, ALONG THE SAID SOUTH LINE, A DISTANCE OF 12.55 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 26; THENCE NORTH 44°13'16" WEST, A DISTANCE OF 74.09 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

NOTE: THE BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED MERIDIAN. THE EAST LINE OF THE BRICKELL REDEVELOPMENT PLAT BEARS NORTH 01°46'40" WEST. CERTIFICATE:

WE HEREBY CERTIFY THAT THIS DESCRIPTION AND SKETCH CONFORMS TO THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, AS OUTLINED IN CHAPTER 61G17-6 (FLORIDA ADMINISTRATIVE CODE), AS ADOPTED BY THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN SEPTEMBER, 1981, AS AMENDED, PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES, AND IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

CRAVEN THOMPSON & ASSOCIATES, INC.

THIS SKETCH IS THE PROPERTY OF CRAVEN THOMPSON & ASSOCIATES, INC. SIGNATURE AND SEAL OF THE PROFESSIONAL SURVEYOR & MAPPER MUST BE PRESENT ON ALL COPIES OF THIS SKETCH.

Thomas C. Shahan
THOMAS C. SHAHAN
Professional Surveyor & Mapper No. 4387
State of Florida

SHEET 1 OF 2 SHEETS
JOB NO. 91-0057
DATED: OCTOBER 3, 1997

J:\JOBS\91-0057\LEGAL\SUSTAVER-W.103

Exhibit "A"
Page 1 of 2

OK TO A/C

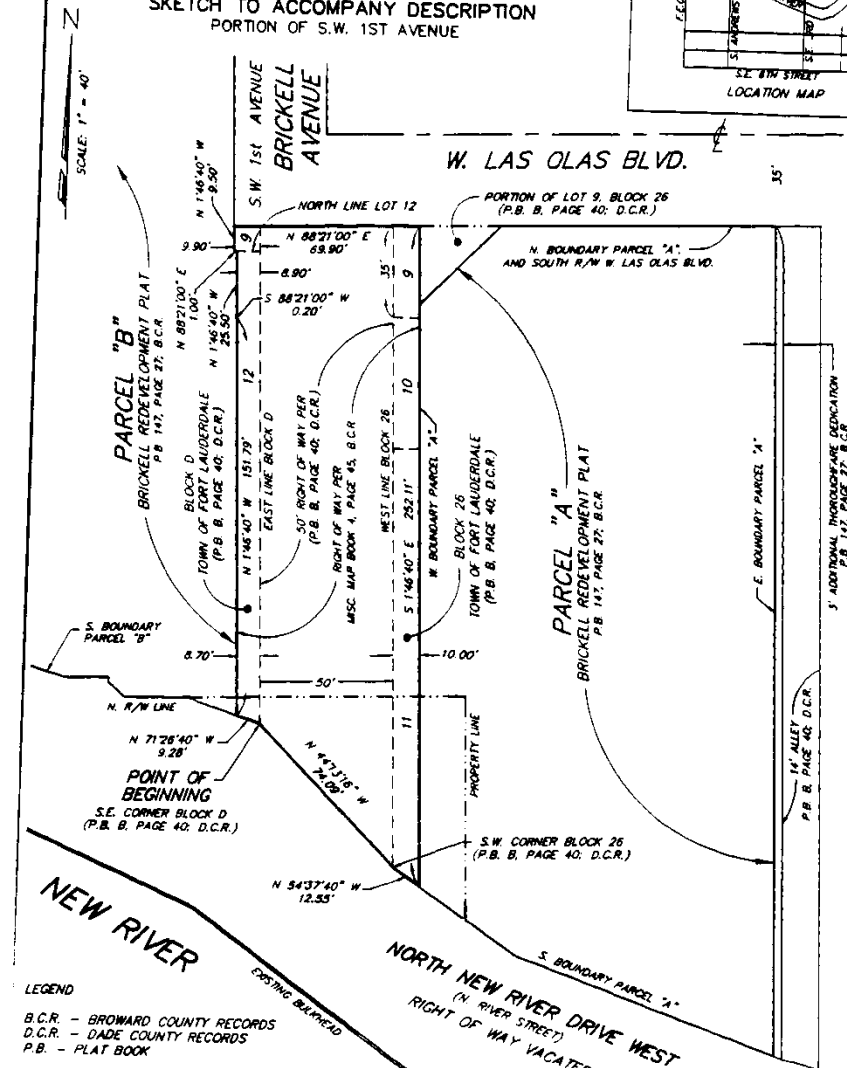
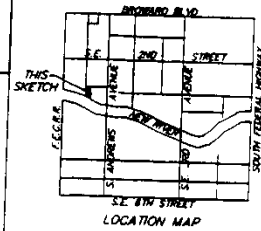
BK 28181 PG 0333



CRAVEN THOMPSON & ASSOCIATES INC.
 ENGINEERS • PLANNERS • SURVEYORS
 3063 N.W. 53RD STREET, FORT LAUDERDALE, FLORIDA 33308
 (954) 738-6400 OFFICES: FORT LAUDERDALE, VERO BEACH

NOTE: THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown herein. There has been no field work, viewing of the subject property, or monuments set in connection with the preparation of the information shown herein.

SKETCH TO ACCOMPANY DESCRIPTION
 PORTION OF S.W. 1ST AVENUE



LEGEND
 B.C.R. - BROWARD COUNTY RECORDS
 D.C.R. - DADE COUNTY RECORDS
 P.B. - PLAT BOOK

FOR: MICHAEL SWERDLOW COMPANIES, INC.

UPDATES and/or REVISIONS	DATE	BY	CK'D

NOTE: The undersigned and CRAVEN-THOMPSON & ASSOCIATES, INC. make no representations or guarantees as to the information reflected herein pertaining to easements, rights-of-way, set back lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth of such matters. Such information should be obtained and confirmed by others through appropriate title verification.

NOTE: Lands shown herein were not abstracted for right-of-way and/or easements of record.

JOB NO. 91-0057 DRAWN BY: BF CHECKED BY: DMB F.B. PG. DATED: 10-1-97

Exhibit "A"
 Page 2 of 2

BK 28181PG0334

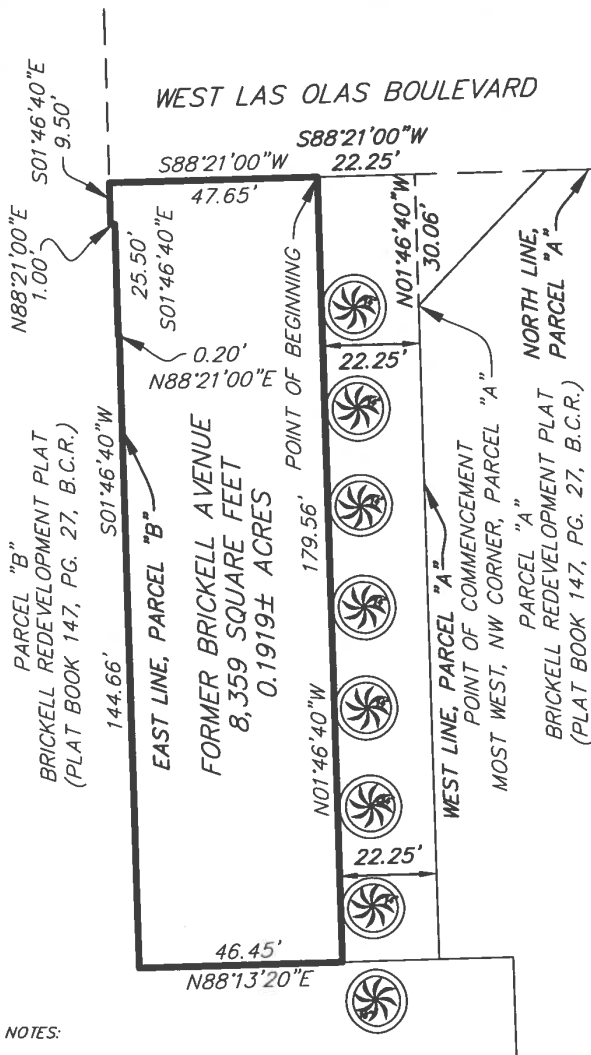


McLAUGHLIN ENGINEERING COMPANY
LB#285

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

SCALE 1" = 40'

SKETCH AND DESCRIPTION
A PORTION OF VACATED
BRICKELL AVENUE
(P.B. 147, PG. 27, B.C.R.)



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.

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:

Commencing 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 to the Point of Beginning; thence continuing South 88°21'00" West, on said Westerly extension, a distance of 47.45 feet; thence Southerly on the East line of said Parcel "B" the following five (5) courses and distances; 1) South 01°46'40" East, a distance of 9.50 feet; 2) thence North 88°21'00" East, a distance of 1.00 feet; 3) thence South 01°46'40" East, a distance of 25.50 feet; 4) thence North 88°21'00" East, a distance of 0.20 feet; 5) thence South 01°46'40" West, a distance of 144.66 feet to the end of said five (5) courses and distances; thence North 88°13'20" East, a distance of 46.45 feet; thence North 01°46'40" West, on a line 22.25 feet West of and parallel with the West line of said Parcel "A", a distance of 179.56 feet to the Point of Beginning.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 8,359 square feet or 0.1919 acres more or less.

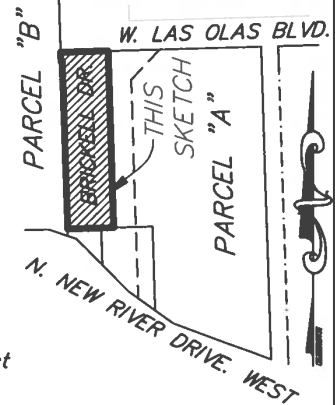
CERTIFICATION

Certified Correct. Dated at Fort Lauderdale, Florida this 29th day of March, 2021.

McLAUGHLIN ENGINEERING COMPANY

Jerald A. McLaughlin
JERALD A. McLAUGHLIN
Registered Land Surveyor No. 5269
State of Florida.

EXHIBIT "A"



SITE LAYOUT
NOT TO SCALE

FIELD BOOK NO. _____

DRAWN BY: JMMjr _____

JOB ORDER NO. V-5977 _____

CHECKED BY: _____

REF. DWG.: 20-2-041

C: \JMMjr\2021\V5977 (SKETCH)



Greg Kessell
Manager - OSP Planning
& Engineering Design

ATT Florida
5395 NE 14th Ave
Ft. Lauderdale, FL 33334

T: 561-699-8478
gk9318@att.com

June 23, 2021

Jason Crush
Crush Law, PA
333 N. New River Dr.
Fort Lauderdale, FL 33301

RE: Easement Vacation. Plat Book 147, Page 27, B.C.R. Folio Number: 504210920020

Mr. Crush,

AT&T does not object to your request for an easement vacation of 22.5' open space easement of Plat Book 147, Page 27, B.C.R. Folio Number: 504210920020 pursuant to ordinance No. C-83-17 and shown on the attached documents.

Should you have any questions please contact me at 561-699-8478

Sincerely,

A handwritten signature in black ink that reads "Greg Kessell".

Greg Kessell
Manager - OSP Planning & Engineering Design
ATT Florida
561 699-8478



Jason Crush
Crush Law

June 24, 2021

Proposed Demo: Located at SW 1st Avenue Fort Lauderdale FL 33301

After a review of our facilities within the above referenced area, we would like to inform you that **TECO Peoples Gas does not have any natural gas service line at the above property.**

In addition, please contact the **Sunshine State One Call of Florida at 1-800-432- 4770 or 811 at least 48 hours in advance, as there might be other underground utilities.** By contacting SSOCOF, the risk of personal injury and property damage can be reduced. You can get the latest information on SSOCOF by visiting their web site at www.callsunshine.com.

Should you have any additional questions concerning the above, please contact me at email address: igonzaez@tecoenergy.com

Sincerely,
Ily Gonzalez

Prepared by: Ily Gonzalez
Frank Delgaudio
Supervisor
N Miami Division

FD//IG

PEOPLES GAS
15779 W Dixie Hwy.
NORTH MIAMI BEACH, FL 33162
AN EQUAL OPPORTUNITY COMPANY

305-957-3844
FAX 305-945-0171
[HTTP://WWW.TECOENERGY.COM](http://WWW.TECOENERGY.COM)



June 28, 2021

Courtney Crush
Crush Law PA
333 S New River Dr E # 2200,
Fort Lauderdale, FL 33301

Subject: **Amendment of an Open Space Easement
SW 1st Avenue Between Las Olas Boulevard and the New River
DRC Case No. UDP-EV21003**

Dear Courtney Crush,

This letter is in response to your request for a Letter of No Objection regarding the Amendment of a 68-foot open space easement located on, SW 1st avenue between Las Olas Boulevard and the New River. The City of Fort Lauderdale (City) has determined that there are no City utilities located within the subject easement. The City has no objection to the amendment of a 6893 SF open space easement located on SW 1st Avenue Between Las Olas Boulevard and the New River.

Should you have any questions or require any additional information, please contact me at (954) 828-5862.

Sincerely,

Drenix Suarez, E.I.
Project Manager II

Enclosures: Water and Wastewater Capacity Analysis

cc: Raj Verma, P.E., Public Works Director
Talal Abi-Karam, P.E., Assistant Public Works Director
Omar Castellon, P.E., Chief Engineer
Dennis Girisgen, P.E., City Engineer
File: Water and Sewer Capacity Letters