

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THAT UTILITY EASEMENT RETAINED OVER A PORTION OF A VACATED 10-FOOT PLATTED ALLEY BY ORDINANCE NO. C-82-3 RECORDED IN OFFICIAL RECORDS BOOK 10006, PAGE 447 AND OFFICIAL RECORDS BOOK 10124, PAGE 444 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING THE SOUTH HALF OF SAID EASEMENT ADJACENT TO LOTS 7 AND 8 AND THE NORTH HALF OF SAID EASEMENT ADJACENT TO LOT 19, BLOCK "B", "FORT LAUDERDALE LAND AND DEVELOPMENT COMPANY SUBDIVISION LOTS 1 AND 2, BLOCK 1, FT. LAUDERDALE", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 56 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED NORTH OF NORTHEAST 3<sup>RD</sup> STREET, SOUTH OF NORTHEAST 4<sup>TH</sup> STREET, EAST OF NORTHEAST 3<sup>RD</sup> AVENUE AND WEST OF NORTH FEDERAL HIGHWAY (NORTHEAST 6<sup>TH</sup> AVENUE), ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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WHEREAS, under the provisions of Section 47-24.7 of the City of Fort Lauderdale, Florida Unified Land Development Regulations (hereinafter "ULDR"), 616 SE 4<sup>th</sup> Avenue, LLC is applying for the vacation of 10-foot retained utility easement (Case No. UDP-EV21001) more fully described in SECTION 2 below, located at 317 North Federal Highway, Fort Lauderdale, Florida; and

WHEREAS, pursuant to the provisions of the aforementioned Section 47-24.7 of the ULDR, all utilities known to have an interest have been notified and have no objection to the vacation of the easement; 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 August 17, 2021, a portion of those findings expressly listed as follows:

[SPACE RESERVED FOR FINDINGS OF FACT]

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

A PORTION OF THAT UTILITY EASEMENT RETAINED OVER A PORTION OF A VACATED 10-FOOT PLATTED ALLEY BY ORDINANCE NO. C-82-3 RECORDED IN OFFICIAL RECORDS BOOK 10006, PAGE 447 AND OFFICIAL RECORDS BOOK 10124, PAGE 444 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING THE SOUTH HALF OF SAID EASEMENT ADJACENT TO LOTS 7 AND 8 AND THE NORTH HALF OF SAID EASEMENT ADJACENT TO LOT 19, BLOCK "B", "FORT LAUDERDALE LAND AND DEVELOPMENT COMPANY SUBDIVISION LOTS 1 AND 2, BLOCK 1, FT. LAUDERDALE", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 56 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA

More particularly described in Exhibit "A" attached.

Location: North of Northeast 3<sup>rd</sup> Street, south of Northeast 4<sup>th</sup> Street, east of Northeast 3<sup>rd</sup> Avenue and west of North Federal Highway (Northeast 6<sup>th</sup> Avenue)

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 at the new location,

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 at the new location, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider.

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.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

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City Clerk  
JEFFREY A. MODARELLI



**McLAUGHLIN ENGINEERING COMPANY**  
**LB#285**

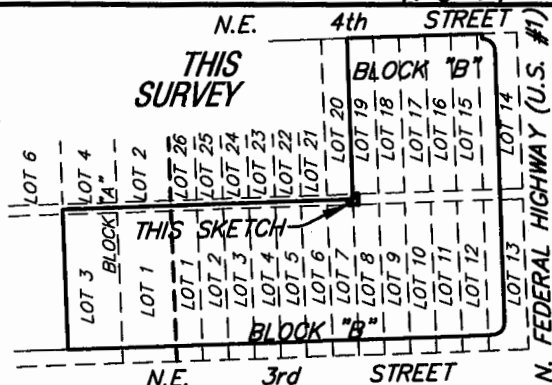
ENGINEERING \* SURVEYING \* PLATTING \* LAND PLANNING  
1700 N.W. 64th STREET #400, FORT LAUDERDALE, FLORIDA 33309  
PHONE (954) 763-7611 \* FAX (954) 763-7615

M.D.O.K.

SCALE 1" = 10'

**SKETCH AND DESCRIPTION  
TO ACCOMPANY VACATION PETITION  
A PORTION OF RETAINED  
UTILITY EASEMENT IN  
O.R. 10006, PG. 447, B.C.R.**

**BLOCK "B", FORT LAUDERDALE LAND AND  
DEVELOPMENT CO. SUBDIVISION  
(PLAT BOOK 1, PG. 56, D.C.R.)**



**SITE LAYOUT  
NOT TO SCALE**

**LOT 19 LEGAL DESCRIPTION:**

That portion of that certain 10.00 foot Platted Alley, now Vacated, recorded in Official Records Book 10006, Page 447, of the public records of Broward County Florida, being the South one-half (S 1/2) of said Vacated Alley lying North of and adjacent to the East 5.00 feet of Lot 7 and lying North of and adjacent to the West 5.00 feet of Lot 8; AND the North one-half (N 1/2) of said Vacated Alley lying South of and adjacent to the West 5.00 feet of Lot 19, All in Block "B", FORT LAUDERDALE LAND AND DEVELOPMENT CO. SUBDIVISION OF LOTS 1 AND 2, BLOCK 1, FORT LAUDERDALE, according to the plat thereof, recorded in Plat Book 1, Page 56, of the Public Records of Dade County, Florida, said lands lying, being and situated in Broward County, Florida.

Said lands situate, lying and being in, Broward County, Florida and containing 75 square feet or 0.0017 acres more or less.

**CERTIFICATION**

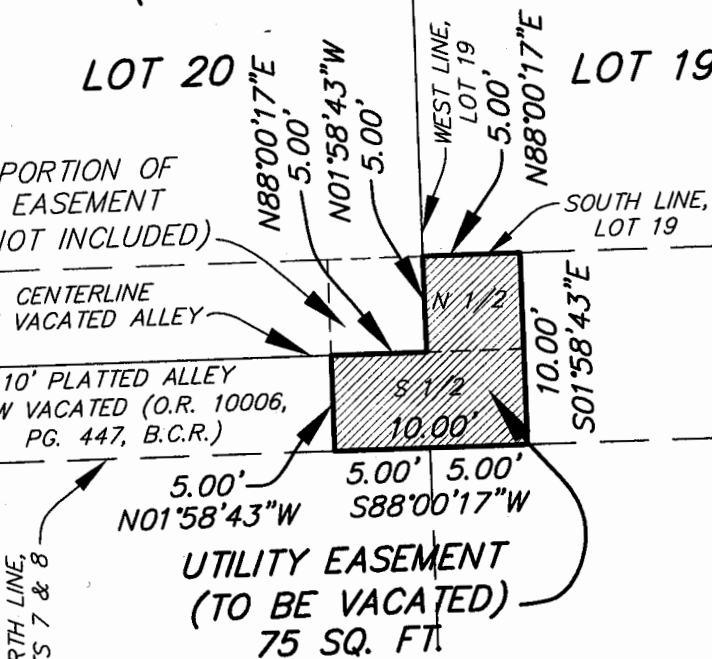
Certified Correct. Dated at Fort Lauderdale, Florida this 11th day of January, 2021.  
Revised May 12, 2021.

McLAUGHLIN ENGINEERING COMPANY

**JERALD A. McLAUGHLIN**  
Registered Land Surveyor No. 5269  
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 North line of Lots 7 and 8, as South 88°00'17" West.
- 6) It is the intent of this description to describe the South one-half (S 1/2) and the the East one-half (E 1/2) of the North one-half (N 1/2) of that certain retained Utility Easement, per O.R. 10006, Page 447, B.C.R.



**LOT 7**  
**LOT 8**  
**BLOCK "B", FORT LAUDERDALE LAND AND  
DEVELOPMENT CO. SUBDIVISION  
(PLAT BOOK 1, PG. 56, D.C.R.)**

FIELD BOOK NO. \_\_\_\_\_

DRAWN BY: JMMjr

JOB ORDER NO. V-5928

CHECKED BY: \_\_\_\_\_

REF. DWG.: 21-3-

C: JMMjr/2021/V5840 (BASE)

Exhibit "A"

Exhibit 5  
Page 4 of 4