

RESOLUTION NO. 21-163

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 3RD STREET, SOUTH OF NORTHEAST 4TH STREET, EAST OF NORTHEAST 3RD AVENUE AND WEST OF NORTH FEDERAL HIGHWAY (NORTHEAST 6TH 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"), 616 SE 4th 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:

- a. The easement is no longer needed for public purposes. 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 determining that there are no City utilities located within the easement.
- b. The applicant has received letters of no objection from the providers who have rights to place utilities in the easement: City of Fort Lauderdale Public Works, AT&T, Comcast, Florida Power and Light, and TECO.

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 3rd Street, south of Northeast 4th Street, east of Northeast 3rd Avenue and west of North Federal Highway (Northeast 6th 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 17th day of August, 2021.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI

Exhibit "A"