

RESOLUTION NO. 21-183

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING ALL OF THAT 20.00 FOOT WIDE UTILITY EASEMENT RECORDED ON OFFICIAL RECORDS BOOK 7001, PAGE 287, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING THE WEST 20.00 FEET OF LOT 9, BLOCK 23, "RIO VISTA ISLES, UNIT 3", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 47 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED NORTH OF PONCE DE LEON DRIVE, SOUTH OF TARPON RIVER, EAST OF SOUTHEAST 9TH AVENUE AND WEST OF SOUTHEAST 12TH WAY, 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"), Edwin Canales and Pedro Del Rio are applying for the vacation of 20-foot-wide utility easement (Case No. UDP-EV20001) more fully described in SECTION 2 below, located at 1013 Ponce de Leon Drive, 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 September 9, 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:

ALL OF THAT 20.00 FOOT WIDE UTILITY EASEMENT RECORDED ON OFFICIAL RECORDS BOOK 7001, PAGE 287, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING THE WEST 20.00 FEET OF LOT 9, BLOCK 23, "RIO VISTA ISLES, UNIT 3", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 47 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

More particularly described in Exhibit "A" attached.

Location: North of Ponce de Leon Drive, south of Tarpon River, east of Southeast 9th Avenue and west of Southeast 12th Way

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.

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.

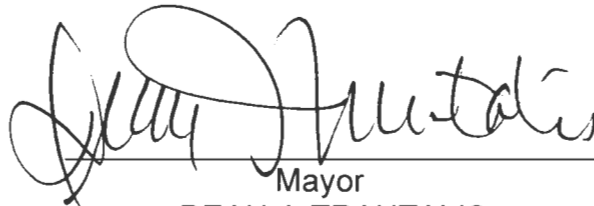
SECTION 5. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain 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 9th day of September, 2021.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI

W.D.O.K



SKETCH AND LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • E-MAIL: surveys@pulicelandsurveyors.com
CERTIFICATE OF AUTHORIZATION LB#3870

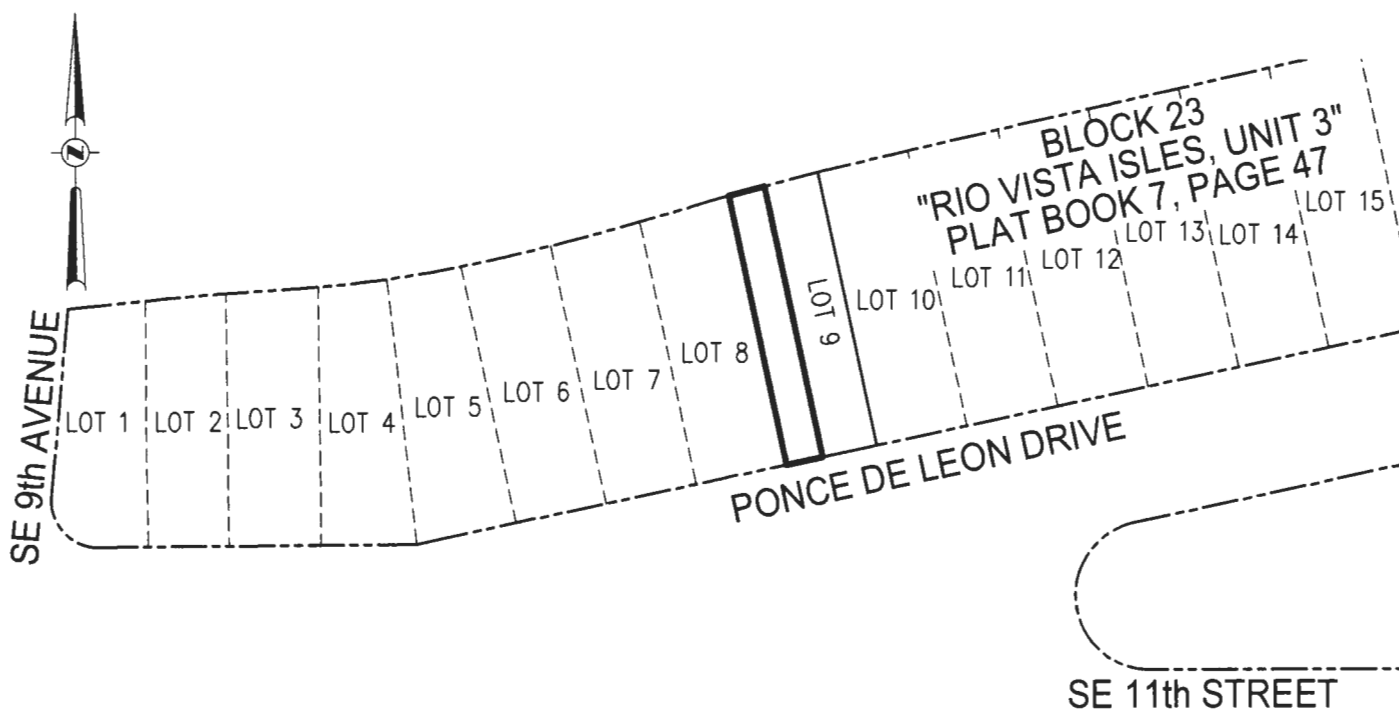


LEGAL DESCRIPTION:

ALL OF THE 20 FOOT WIDE UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 7001, PAGE 287, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THE WEST 20 FEET OF LOT 9 IN BLOCK 23 OF "RIO VISTA ISLES, UNIT 3", ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 7, PAGE 47, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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



NOTES:

LOCATION SKETCH
NOT TO SCALE

- 1) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 2) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 3) ALL RECORDED DOCUMENTS ARE PER THE PUBLIC RECORDS OF BROWARD COUNTY, UNLESS OTHERWISE NOTED.

FILE: CANALES, EDWIN

SCALE: N/A

DRAWN: L.S.

ORDER NO.: 67742B

DATE: 12/7/20

20' UTILITY EASEMENT VACATION

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: EDWIN CANALES RESIDENCE

SHEET 1 OF 2

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2

Beth Burns

- ☐ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
 - ☒ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
 - ☐ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
 - ☐ DONNA C. WEST, PROFESSIONAL SURVEYOR AND MAPPER LS4290
- STATE OF FLORIDA

M.D.O.K.



SKETCH AND LEGAL DESCRIPTION

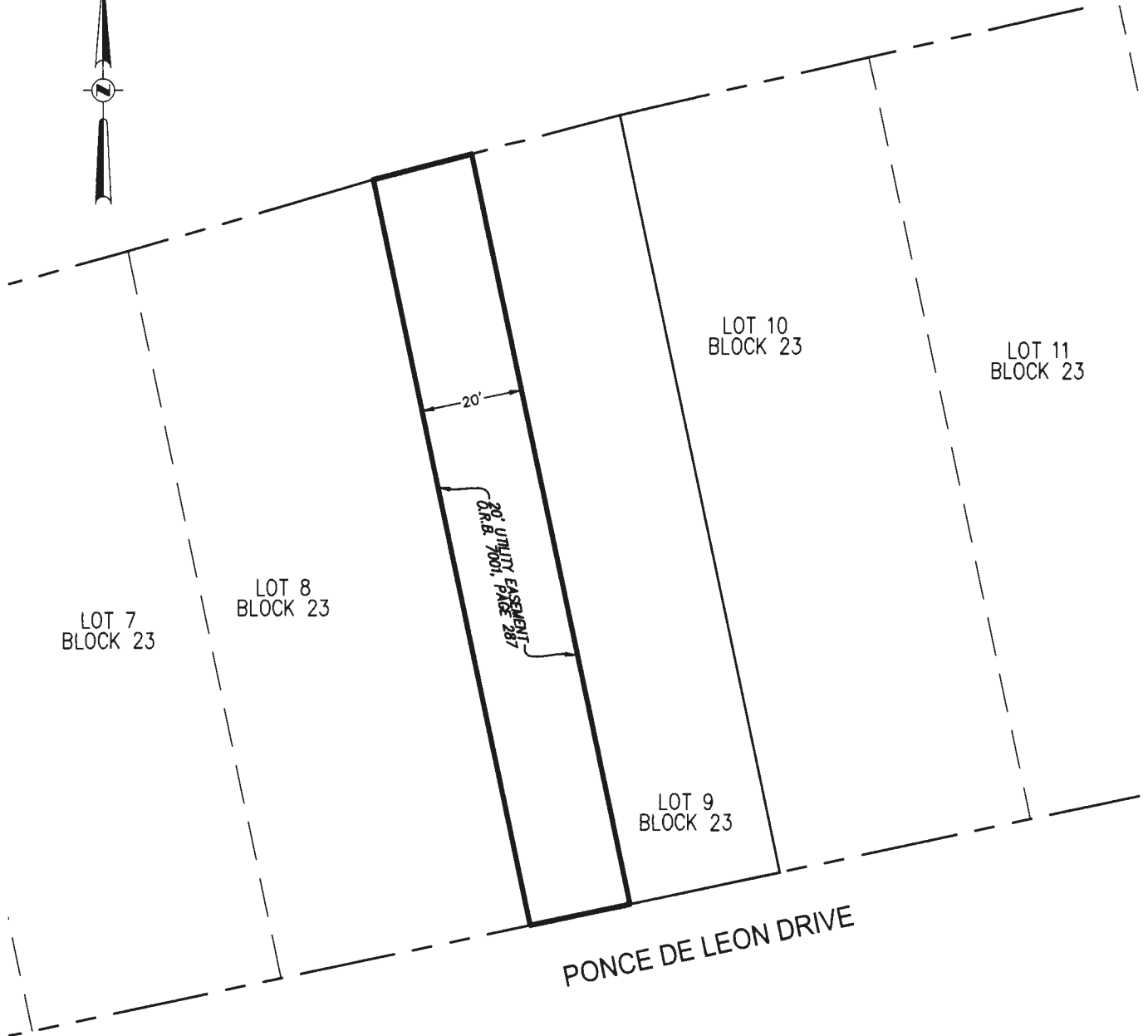
BY

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SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • E-MAIL: surveys@pulicelandsurveyors.com

CERTIFICATE OF AUTHORIZATION LB#3870



FILE: CANALES, EDWIN

SCALE: 1"=30'

DRAWN: L.S.

ORDER NO.: 67742B

DATE: 12/7/20

20' UTILITY EASEMENT VACATION

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: EDWIN CANALES RESIDENCE

SHEET 2 OF 2

THIS DOCUMENT IS NEITHER FULL NOR
COMPLETE WITHOUT SHEETS 1 AND 2

LEGEND:

O.R.B. OFFICIAL RECORDS BOOK