

**ORDINANCE NO. 190-08-123**

(space reserved for  
recording purposes)

**AN ORDINANCE OF THE CITY OF LAUDERHILL, FLORIDA APPROVING THE VACATION AND ABANDONMENT OF A PORTION OF N.W. 46<sup>th</sup> AVENUE, FORWARD SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 52, PAGE 40 OF THE OFFICIAL PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AS MORE PARTICULARLY DEPICTED IN EXHIBIT "A"; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; APPROVING THE COMPLETION AND SUBMITTAL OF THE APPLICATION FOR VACATION AND ABANDONMENT WITH BROWARD COUNTY; APPROVING THE PREPARATION OF ALL NECESSARY DOCUMENTS TO CARRY OUT THE INTENT OF THIS ORDINANCE; PROVIDING THAT THIS VACATION IS SUBJECT TO THE CITY OF LAUDERHILL RETAINING UNTO ITSELF A PERPETUAL NON-EXCLUSIVE INGRESS/EGRESS, UTILITY AND STORMWATER INFRASTRUCTURE EASEMENT; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA)**

WHEREAS, the City of Lauderhill is the legal owner of land generally described as a Portion of N.W. 46<sup>th</sup> Avenue, Forward Subdivision No. 1., the legal description of which is attached hereto as Exhibit "A"; and

WHEREAS, the roadway right-of-way/easement is generally located at N.W. 46<sup>th</sup> Avenue within the City of Lauderhill; and

WHEREAS, the City of Lauderhill deems this right-of-way/easement to be surplus, unnecessary and not required for public purpose; and

WHEREAS, as a condition of the vacation of this portion of N.W. 46<sup>th</sup> Avenue, the City of Lauderhill reserves until itself a perpetual non-exclusive ingress/egress, utility, and stormwater infrastructure easement; and

WHEREAS, the City's Engineering Department will prepare and process the necessary application and supporting documentation and will send written requests to any other affected utility agencies for their review of the application and written submission of any objections they may have to the requested vacation or notification of the need for any easements that they may need to retain; and

WHEREAS, the City staff have determined that the vacation is consistent with the City's Code and Comprehensive Plan objectives; and

WHEREAS, the City Commission, after review of the recommendations of city staff and consideration of this issue, has determined that the subject right-of-way/easement is not required for public use, and the proposed vacation bears a reasonable relationship to the health, safety and welfare of the citizens of the City of Lauderhill; and

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

SECTION 1. The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the City Commission. All exhibits referenced herein and attached hereto are hereby incorporated herein.

SECTION 2. The vacation and abandonment of the Portion of N.W. 46<sup>th</sup> Avenue, Forward Subdivision No. 1, according to the Plat thereof, as recorded in Plat Book 52, Page 40, of the Official Public Records of Broward County, Florida, as more particularly depicted in Exhibit "A", a copy of which is attached hereto and incorporated herein, is hereby approved subject to the condition stated herein.

SECTION 3. That the City of Lauderhill herein reserves unto itself a perpetual non-exclusive ingress/egress, utility, and stormwater infrastructure easement as a condition of the vacation, which will be recorded in the Official Public Records of Broward County.

SECTION 4. That the property is determined to be no longer useful or needed as a public right-of-way, and it is in the public interest that the

property be abandoned, vacated and closed as a public right-of-way, and as public property and that it is released from any and every public right, use, title and interest, and that the property shall revert to the adjoining and abutting owners who have reversionary interest, exception and subject to the easement that the City hereby retains and any other easements or record, over, under and across the property.

SECTION 4. That The City Manager, or his designees, and the City Attorney are hereby authorized to complete, submit and execute the Broward County Application for Vacation and Abandonment, and any and all other documents necessary to effectuate the intent of this Ordinance.

SECTION 5. All ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 6. This ordinance shall take effect immediately upon its passage.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED on first reading this \_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED AND ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
PRESIDING OFFICER

ATTEST:

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CITY CLERK

FIRST READING

SECOND READING

MOTION  
SECOND

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M. BATES  
H. BERGER  
R. CAMPBELL  
D. GRANT  
K. THURSTON

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