

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, VACATING A PORTION OF THE PLATTED ALLEY LYING WITHIN BLOCK 9 OF THE PLAT OF "THE TOWN OF HOLLYWOOD", PLAT BOOK 1, PAGE 21; PROVIDING A SEVERABILITY CLAUSE AND A REPEALER PROVISION.

WHEREAS, the Applicant, Sun Trust Office Building, LLC. ("Sun Trust"), has submitted application VA-20-01 for review and approval to vacate a portion of the 15' wide service alley within Block 9 of the Plat of "THE TOWN OF HOLLYWOOD", as recorded in the Public Records of Broward County and attached as Exhibit "A"; and

WHEREAS, Sun Trust received approval from the Planning and Development Board and the Historic Preservation Board on July 23, 2020 for its proposed site plan under File No. 19-CDPVM-61 to construct a mixed-used development with 347 residential units and approximately 30,000 square feet of retail; and

WHEREAS, the vacated alley area will be dedicated pursuant to a Utility and Access Easement, which will include a turn radius corner dedication at the alley intersection with the existing alley to provide for utility maintenance and access needs; and

WHEREAS, to provide for a continuous alley network within this block, Access Easement(s) will be dedicated between North 20<sup>th</sup> Avenue and Dixie Highway; and

WHEREAS, all alley dedication documents, including the Utility and Access Easement, Access Easement(s) and construction provisions described in the attached as Exhibit "B" will be provided prior to the vacation becoming effective; and

WHEREAS, the City's Engineering, Transportation & Mobility Division has processed the appropriate alley vacation application, and as a part of this process, sent written requests to other affected utility agencies and providers for their review of the application and submission to the City of their written response, including any objections they may have to the requested vacation; and

WHEREAS, all affected agencies and utility providers have reviewed the request and have no objection to the requested vacation and proposed dedications; and

WHEREAS, all utility relocations and Unity of Title requirements shall be satisfied prior to the vacation becoming effective; and

WHEREAS, following analysis of the application, staff has determined the vacation to be consistent with the City's Code and Comprehensive Plan objectives; and

WHEREAS, the City Commission, after review of the recommendations of staff and consideration of the issue, has determined that the subject alley is not required for public use if the required dedications and easements are provided, and the proposed vacation bears a reasonable relationship to the health, safety, and welfare of the citizens of the City; and

WHEREAS, the City Commission has further determined that the proposed vacation would be in the best interest of the citizens of the City.

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

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That it vacates that portion of the platted alley lying within Block 9 of the plat of "THE TOWN OF HOLLYWOOD", Plat Book 1, Page 21, as more specifically described in the attached Exhibit "A".

Section 3: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 4: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

Section 5: That this Ordinance shall be in full force and effect immediately upon the date of recordation of a certificate of the City Engineer stating the following requirements have been satisfied:

i) That the City has received written notice from the Florida Power and Light Company, ATT, Comcast, Teco and Hollywood's Department of Public Utilities confirming satisfactory relocation of their respective utility facilities located in the subject alley right-of-way, and thus, no objection to the alley vacation;

ii) That the City has received, accepted and recorded a Utility and Access Easement and access easement, and approved construction of an appropriate connection between the remaining alley section and North 20<sup>th</sup> Avenue to the East;

iii) That the City has received a Unity of Title for Lots 1 through 3 and Lots 14 thru 38 providing for unified development of the consolidated parcels; and

iv) The above requirements shall be satisfied no later than 24 months from the date of adoption of this Ordinance. If these requirements are not satisfactorily completed and the Certificate recorded within the prescribed 24-month time period, then this Ordinance shall become null and void.

Advertised \_\_\_\_\_, 2021.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY for the use and reliance  
of the City of Hollywood, Florida, only.

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DOUGLAS R. GONZALES  
CITY ATTORNEY