

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, VACATING A PORTION OF THE PLATTED ALLEY LYING WITHIN BLOCK 49 OF THE PLAT OF "HOLLYWOOD HILLS", PLAT BOOK 6, PAGE 22; PROVIDING A SEVERABILITY CLAUSE AND A REPEALER PROVISION.

WHEREAS, the Applicant, Ocean Drive Commercial Realty Management, LLC., has submitted application VA-22-01 for review and approval to vacate a portion of the 15' wide service alley within Block 49 of the Plat of "HOLLYWOOD HILLS", as recorded in the Public Records of Broward County and attached as Exhibit "A"; and

WHEREAS, on July 13, 2021, the Applicant received approval from the Planning and Development Board for a proposed site plan to construct an approximately 19,000 square foot office building as set forth in the Board's Resolution attached as Attachment "1"; and

WHEREAS, as part of the alley vacation, the Applicant will be required to: 1) dedicate and construct a new 15' wide alley portion; 2) dedicate a 12' wide area along the project's north boundary for construction of a future eastbound right-turn lane at the Johnson Street and North 35th Avenue intersection; and 3) dedicate two FPL easements (8'x10' and 18'x10'); and

WHEREAS, the new alley will continue to provide connectivity to North 35th Avenue with a new alignment and connection point that will improve operation at the Johnson Street and North 35th Avenue intersection to the north; and

WHEREAS, all alley dedication documents, including the FPL Easements and construction provisions described in the attached Attachment "2" 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 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 staff and consideration of this 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 Hollywood, Florida; and

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

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 49 of the plat of "HOLLYWOOD HILLS", Plat Book 6, Page 22, 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 an alley right-of-way dedication document, a right-turn lane dedication document and two FPL easements, and has been provided with approved construction as-builts for an appropriate connection between the remaining alley section and North 35th Avenue to the east and utility relocations; and

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iii) That 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 is not recorded within the prescribed 24-month time period, then this Ordinance shall become null and void.

Advertised _____, 2023.

PASSED on first reading this _____ day of _____, 2023.

PASSED AND ADOPTED on second reading this _____ day of _____, 2023.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM:

DOUGLAS R. GONZALES
CITY ATTORNEY