

ORDINANCE NO. 0-89-56

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, VACATING A SECTION OF THE PUBLIC ALLEY BETWEEN TYLER STREET AND HOLLYWOOD BOULEVARD AND WEST OF 20TH AVENUE; SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A SEVERABILITY CLAUSE, A REPEALER CLAUSE AND AN EFFECTIVE DATE

WHEREAS, the Planning and Zoning Advisory Board at its meeting of July 24, 1989, recommended to the City Commission that it vacate certain property more specifically described below; and

WHEREAS, after careful consideration of this matter, including the review of the Growth Management staff report and all submitted written and oral testimony received during the public hearings, the City Commission has determined that the proposed vacation bears a reasonable relation to the health, safety, morals, or welfare of the citizens of Hollywood; and

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

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

Section 1: That the a section of the public alley between Tyler Street and Hollywood Boulevard and West of 20th Avenue, more specifically described in Exhibit A, attached hereto and incorporated herein by reference, is vacated.

Section 2: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 3: That all sections or parts of sections of the Code of Municipal Ordinances, all ordinances or parts of ordinances, and all resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 5: That this ordinance shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED on first reading this 30<sup>th</sup> day of August, 1989.

PASSED AND ADOPTED on second reading this 20<sup>th</sup> day of September, 1989.

Mara Giuliani  
MARA GIULIANTI, MAYOR

ATTEST

Martha S. Lambos  
MARTHA S. LAMBOS, CITY CLERK

PREPARED BY:

Esteban M. De Miranda  
ESTEBAN M. DE MIRANDA  
ASSISTANT CITY ATTORNEY

ENDORSED AS TO FORM & LEGALITY

Maria J. Chiaro  
MARIA J. CHIARO, CITY ATTORNEY

EDM: sm  
VA894

EASEMENT

RECEIVED of the City of Hollywood, Florida, a Municipal Corporation of the State of Florida ("City"), the sum of Ten Dollars (\$10.00), in consideration of which the undersigned does hereby grant to City a non-exclusive easement over and across the property described in Exhibit "A" attached hereto and made a part hereof, for the purpose of construction, installation, operation and maintenance of utility infrastructure within said property, and further grants to City a non-exclusive easement and right-of-way upon and across the property described in Exhibit "B" attached hereto for the purpose of emergency vehicle access and sanitation service.

The rights-of-way easements and privileges granted herein shall be used only for the purposes set forth herein and for no other purpose whatsoever. Grantor acknowledges and agrees that no permanent structure shall be constructed upon the Easement Property described in Exhibit "A".

The easement rights and privileges granted hereunder shall terminate when or at such time as the purposes hereof cease to exist, are abandoned by Grantee, or become impossible of performance. Grantor, its successors and assigns retains, reserves and shall continue to enjoy the use of the Easements granted herein for any purpose not in conflict with the use by Grantees of the within granted Easements.

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal this 10<sup>th</sup> day of September, 1989.

Signed, sealed and delivered  
in the presence of:

SUNBANK/SOUTH FLORIDA, N.A.

Jeffrey K. Sed  
A. James.

By: [Signature]  
S.V.P.

STATE OF FLORIDA  
COUNTY OF BROWARD

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Donald K. Sinclair, to me known to be the person(s) described in and who executed the foregoing instrument, and who acknowledged before me the execution of same.

WITNESS my hand and official seal, in the County and State last aforesaid this 19 day of September, 1989.

My Commission Expires:

Barbara J. Anderson  
Notary Public

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXPIRES NOV 1992  
REGISTERED WITH GENERAL INSURANCE

Easement area is that portion of the following lots indicated on the sketch herein:

LEAD SUBJECT  
 LOTS 4, 5, 6, 7, 8, 9, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31  
 Subdivided  
 as shown in PLAT BOOK 1, PAGE 21, OF THE PUBLIC RECORDS  
 OF HAWAII COUNTY, FLORIDA.

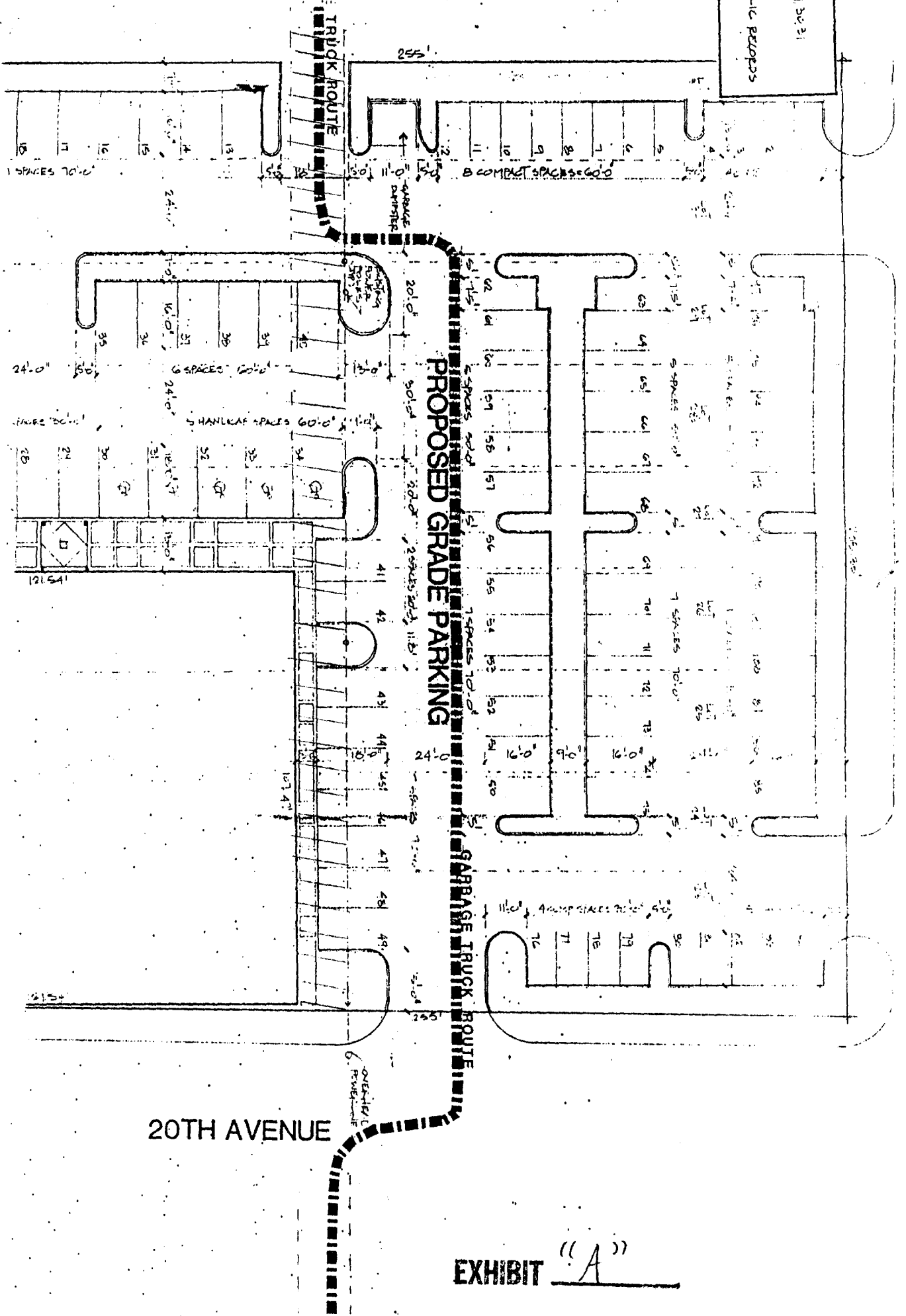
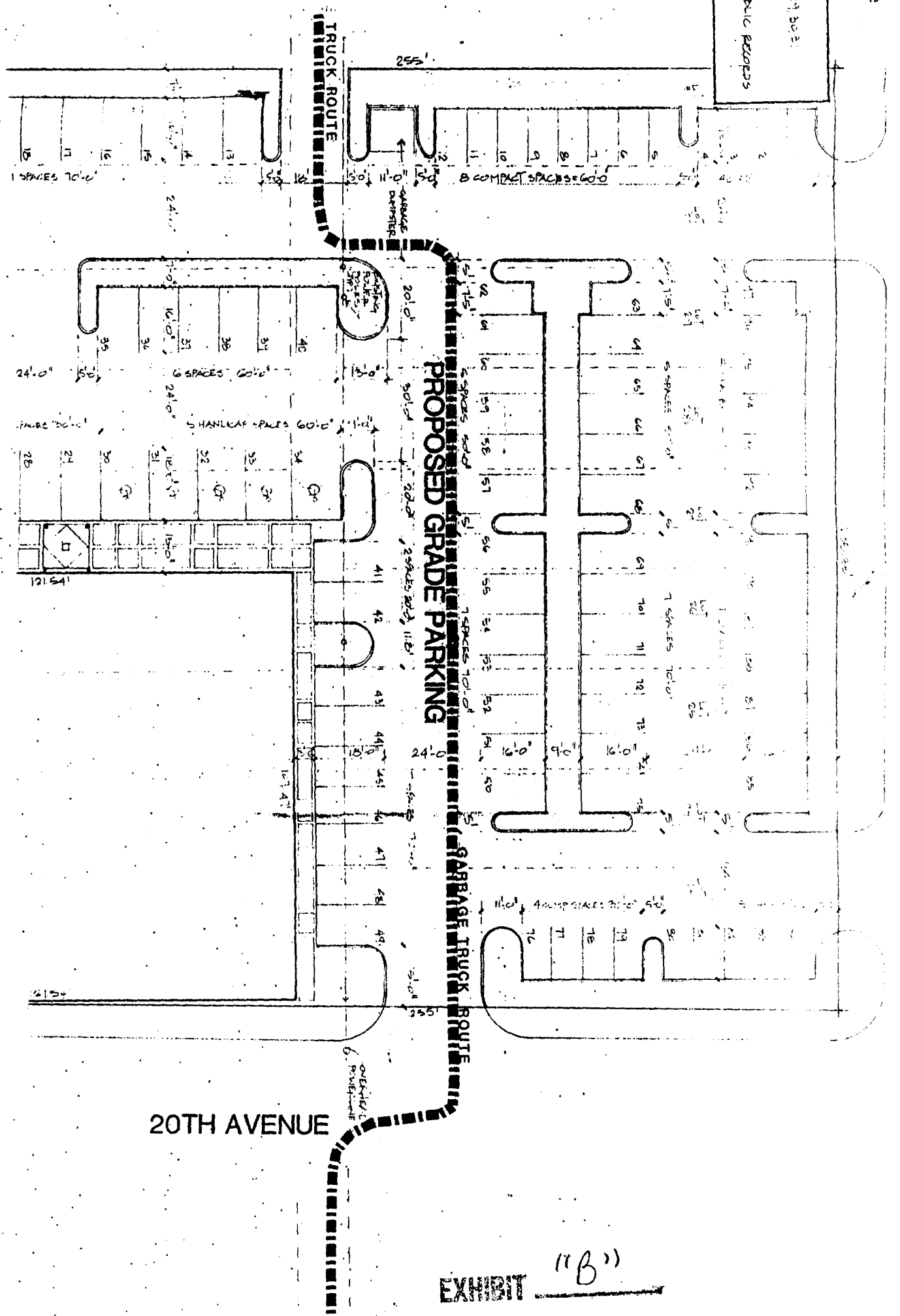


EXHIBIT "A"

Easement area is that portion of the following lots indicated on the sketch herein:

Each SECTION  
 Lots 4, 5, 6, 7, 8, 9, 10, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31  
 As shown on PLAT BOOK 1, PAGE 21, OF THE PUBLIC RECORDS  
 OF ST. JOHNS COUNTY, FLORIDA.



20TH AVENUE

EXHIBIT "B"

CITY OF HOLLYWOOD, FLORIDA

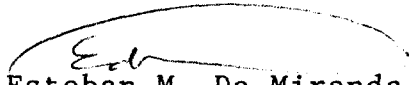
INTER-OFFICE MEMORANDUM

TO: Christopher Cutro, Director  
Planning and Zoning

DATE: August 4, 1989

FILE:

SUBJECT: VA-89-4  
(Sun Bank)

FROM:   
Esteban M. De Miranda  
Assistant City Attorney

REFERENCES:

Pursuant to your memorandum of July 26, 1989, received by this office on August 2, 1989, attached please find a draft of the ordinance in the above-referenced matter for your review. For the purposes of this memorandum "applicant" shall mean the owner or owners of property abutting the publicly dedicated street, alley, waterway or other publicly dedicated place that is the subject of the vacation application.

Kindly verify the accuracy of the legal description of the property to be vacated and further verify whether the applicant has prepared a report on the historical aspects of the publicly dedicated street, alley, waterway or other publicly dedicated place pursuant to Section 17-19(1)(b)(2) of the Code of Ordinances of the City of Hollywood.

Moreover, pursuant to the condition imposed by the Planning and Zoning Advisory Board, please have the applicant provide me with a formal letter opinion prepared by an attorney licensed to practice law in the State of Florida opining that (1) the applicant is the fee simple owner of real property abutting a publicly dedicated street, alley, waterway or other publicly dedicated place ("Subject Property") that is the subject of the vacation application and that (2) the applicant has reversionary rights to the Subject Property. I have attached a draft of a sample letter that may be forwarded to the applicant or his/her counsel regarding the letter opinion.

I ask that you include the requirement of a letter opinion as a standard condition in the resolution forwarded to the City Commission memorializing the recommendation of the Planning and Zoning Advisory Board.

Should the ordinance meet with your satisfaction, kindly prepare the appropriate informational memorandum for the City Commission agenda package. Kindly be advised that the ordinance shall not be presented for consideration on the agenda without its accompanying informational memorandum.

Thank you for your attention to this matter. Should you have any questions, do not hesitate to contact me.

EDM: sm  
VA89 .MEM  
cc: Martha Lambos  
Sylvester Jackson



# CITY of HOLLYWOOD, FLORIDA

GEN. JOSEPH W. WATSON CIRCLE P.O. BOX 229045 ZIP 33022-9045

September 20, 1989

Wilson C. Atkinson, III, Esq.  
ATKINSON, JENNE, DINER, STONE & COHEN, P.A.  
1946 Tyler Street  
Hollywood, Florida 33022-2088


Re: Easement/SunBank Vacation - City of Hollywood  
No. VA-89-4

Dear Mr. <sup>Wilson</sup> Atkinson:

Enclosed is the above-referenced Easement. Please have your client record the deed in the Public Records of Broward County and return a recorded copy to my office for the City's permanent records.

Thank you for your cooperation in this matter.

Very truly yours,

  
Esteban M. De Miranda  
Assistant City Attorney

EDM:clb  
Enclosure

✓ cc: Martha S. Lambos  
City Clerk

89 SEP 21 PM 3:31  
CITY OF HOLLYWOOD  
CITY CLERK'S OFFICE