

ORDINANCE NO. _____

(VA-21-02)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, VACATING A PORTION OF THE PLATTED ALLEY LYING WITHIN BLOCK 58 OF THE PLAT OF "HOLLYWOOD", PLAT BOOK 1, PAGE 21; PROVIDING A SEVERABILITY CLAUSE AND A REPEALER PROVISION.

WHEREAS, on October 3, 2018, the City Commission passed and adopted Ordinance O-2018-013 (the "Ordinance") approving the vacation of a portion of the platted alley lying within Block 58 of the plat of "HOLLYWOOD", Plat Book 1, Page 21; and

WHEREAS, pursuant to Section 6 of the Ordinance, all requirements to complete the vacation shall be satisfied no later than 24 months from the date of adoption of the Ordinance; and

WHEREAS, the requirements of the Ordinance were not satisfied within the 24 month time period, and therefore, pursuant to Section 6 of Ordinance O-2018-013, the Ordinance became null and void as of October 3, 2020; and

WHEREAS, MG3 Hollywood LLC, the applicant and owner of the property Block 58, has submitted a new application, VA-21-02, for review and approval to vacate a portion of the 14' wide service alley within Block 58 of the Plat of "HOLLYWOOD", as recorded in the Public Records of Broward County, Florida; and

WHEREAS, continuity with the remaining eastern limits of the existing alley was provided by an easement through an alley Easement Agreement recorded in the Public Records of Broward County, Florida; and

WHEREAS, connectivity from the easement to Van Buren Street will be provided through an alley easement document and construction provisions prior to the vacation becoming effective; and

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

WHEREAS, the written request from the Engineering Division clearly states that if the agency does not respond within the period specified in the request, the City will assume that the agency has no objections 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

WHEREAS, 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 the issue, has determined that the subject right-of-way 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; and

WHEREAS, the City Commission has further determined 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 Resolution.

Section 2: That the portion of the platted alley lying within Block 58 of the plat of "HOLLYWOOD", in Plat Book 1, Page 21, as more specifically described in the attached Exhibit "A", is vacated.

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 that the following requirements have been satisfied:

i) That the City has received written notice from 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, there are no objections to the alley vacation; and

ii) That the City has satisfactorily accepted relocation of the existing street lighting and irrigation service and control panel equipment existing within the alley right-of-way; and

iii) That the City has received, accepted and recorded an alley right-of-way easement document and been provided with documentation that the construction of an appropriate connection between the remaining alley section and Van Buren Street to the South has been completed; and

iv) That the City has received an appropriate Unity of Title for Lots 1 through 9, Lots 16 through 19 and Lot 24 providing for unified development of the consolidated parcels; and

v) That the City has received, accepted, and recorded an alley right-of-way easement document requiring that the alley shall remain open through the portion of the construction Phase II that is constructed over Lot 9. Thereafter, the alley may be closed.

Section 6: 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 recorded within the prescribed 24 month time period, this Ordinance shall be null and void.

Advertised on _____, 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.

DOUGLAS R. GONZALES
CITY ATTORNEY