

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

(VA-15-01)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, VACATING AN APPROXIMATE 105 FOOT PORTION OF AN ALLEY WITHIN BLOCK 4 OF THE PLAT OF BROWARD MANOR OF HOLLYWOOD, GENERALLY LOCATED NORTH OF PEMBROKE ROAD AND WEST OF SOUTH 19<sup>TH</sup> AVENUE, AS MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR A SEVERABILITY CLAUSE; A REPEALER PROVISION, AND AN EFFECTIVE DATE.

WHEREAS, the Owner, 1921 Pembroke Road, LLC, is looking to consolidate property utilized as an office building and parking lot which is dissected by a portion of a T-configured public alleyway generally located north of Pembroke Road and west of South 19<sup>th</sup> Avenue; and

WHEREAS, the Owner desires to consolidate the parcels for a possible future redevelopment opportunity, thus, the Petitioner, Greenberg & Sterlitz, P.A., on behalf of the Owner, has submitted application VA-15-01 requesting vacation of the approximate 105 foot portion of the above-described 10' foot wide alley located in Block 4 of the Plat of Broward Manor of Hollywood, as more specifically described in Exhibit "A," attached hereto and incorporated herein by reference; and

WHEREAS, the portion of the public alleyway that is requested for vacation does not have any existing public utility infrastructure; and

WHEREAS, adequate easement and alley widening provisions to accommodate continued alley service and access to utility providers and the properties being served by the remaining alleyway shall be satisfied by the Owner prior to the vacation becoming effective; and

WHEREAS, the location/area of the vacation obligations to provide for adequate easement and alley widening is described in the attached Exhibit "B" attached hereto and incorporated herein by reference; and

WHEREAS, the City of Hollywood Engineering Division has processed the appropriate alley vacation application, and as a part of the process, the Engineering Division sent written requests to other affected agencies and utility providers for their review of the application; and

WHEREAS, the written request from the Engineering Division clearly stated that if the agencies or utility providers did 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, the affected agencies and utility providers reviewed the Owner's request and have no objections to the vacation; and

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

WHEREAS, the City Commission of the City of Hollywood, after review of the recommendations of staff and consideration of this issue, has determined that the subject alley is not required for public use, 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 interests of the citizens of Hollywood, Florida;

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

Section 1: That it hereby vacates that specific portion of the existing 10-foot alley right-of-way located north of Pembroke Road, west of S. 19th<sup>th</sup> Avenue, running north from the north right-of-way line of said Pembroke Road approximately 105 feet, as more particularly described on Exhibit "A," attached hereto and incorporated herein.

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

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Section 4: That this ordinance shall be in full force and effect immediately upon adoption.

ADVERTISED on \_\_\_\_\_, 2017.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017

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

ATTEST:

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

APPROVED AS TO FORM & LEGALITY  
for the use and reliance of the City of  
Hollywood, Florida, only:

\_\_\_\_\_  
ALAN FALLIK, ACTING CITY ATTORNEY