

RESOLUTION NO. _____

(VA-15-03)

AN RESOLUTION OF THE CITY OF HOLLYWOOD, FLORIDA, VACATING AND ABANDONING PUBLIC EASEMENT INTERESTS PREVIOUSLY DEDICATED TO THE CITY BY AN INDENTURE RECORDED IN OR BOOK 2847, PG 509, ATTACHED HERETO AND LOCATED WITHIN LOT 18, BLOCK 174 OF THE HOLLYWOOD CENTRAL BEACH" PLAT, AND ASSOCIATED WITH THE PROPOSED SEASIDE VILLAGE DEVELOPMENT WITHIN THE NORTH BEACH COMMUNITY.

WHEREAS, Sandpiper Inc., executed and delivered that certain Indenture dated June 3, 1964, as recorded in Official Records Book 2847 at Page 509 of the Public Records of Broward County; and

WHEREAS, the Indenture was for and serves as an easement for storm drainage outflow to the Intracoastal Waterway; and

WHEREAS, the property is now being developed for a residential community to be known as Seaside Village, and in order to facilitate the proposed development plan, the current owner/applicant, Seaside Village By Vintage Homes, Inc., has requested that those public interests established in said Indenture attached hereto be vacated and abandoned; and

WHEREAS, the Indenture will no longer be required, as the Owner has agreed to provide a new replacement easement to the Florida Department of Transportation together with rerouting of the outfall pipe through the new easement area as part of the construction requirements for the new development; and

WHEREAS, the Engineering Division has processed the appropriate easement vacation application, and as a part of this process, has sent written requests to all affected agencies and utility providers to review the application and respond in writing with 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 utility agencies have either not responded, or with the aforementioned understandings, responded that they have no objection to the vacation; 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 public interests established by said Indenture are not required, 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 and abandons those specific public interests established through the recorded Indenture in Official Record Book 2847, Page 509, of the Public Records of Broward County, Florida, attached hereto. Such vacation will become void *ab initio* if an acceptable replacement easement is not provided to the Florida Department of Transportation on or before December 31, 2015. Further, this vacation is expressly conditioned upon Seaside Village By Vintage Homes, Inc. paying all costs related to any removal and/or relocation of affected drainage facilities.

Section 2: That this Resolution shall be in full force and effect immediately upon its adoption.

PASSED AND ADOPTED This _____ day of _____, 2015.

PETER BOBER, 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:

JEFFREY P. SHEFFEL
CITY ATTORNEY