

RESOLUTION NO. \_\_\_\_\_

(Va-18-02)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, VACATING A PORTION OF A 3-FOOT ELECTRIC LIGHTS AND WATER LINE EASEMENT LOCATED WITHIN THE "W. B. SYMMES SUBDIVISION" PLAT, IN CONNECTION WITH THE CONSTRUCTION OF A NEW RESIDENTIAL DEVELOPMENT, SUBJECT TO CONDITIONS.

WHEREAS, the Petitioner, Keith and Associates, Inc., acting on behalf of the owner, Pinnacle at Peacefield, Ltd. ("Owner"), has submitted application VA-18-02 for review and approval to vacate a platted electric lights and water line easement located in the plat of "W. B. Symmes Subdivision", as more specifically described in the attached Exhibit "A"; and

WHEREAS, on March 8, 2018, the Planning and Development Board passed and adopted Resolution No. 18-DP-01, which approved the Pinnacle at Peacefield Site Plan for a 120-unit residential development; and

WHEREAS, the Owner has requested the vacation of a portion of the subject 3-foot Electric Lights and Water Line Easement crossing the Pinnacle at Peacefield site as more particularly described in the attached Exhibit "A", as it conflicts with the placement of the new residential units; and

WHEREAS, the Engineering Division has processed the appropriate easement vacation application, and as a part of this process, written requests were sent 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 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, existing FPL facilities within the subject easement will require relocation, and the Owner agrees to find alternative routes, grant utility easements and pay for all reasonable costs and expenses incurred by FPL for the relocation; 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 utility easement 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; and

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

NOW THEREFORE, BE IT RESOLVED 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 into this Resolution.

Section 2: That a portion of a 3-foot Electric Lights and Water Line Easement recorded in the Public Records of Broward County at Official Records Book 7 at Page 7 and located within the "W. B. Symmes Subdivision" Plat, as more particularly described in the attached Exhibit "A", is vacated subject to the Owner's meeting the following condition: The Owner shall determine alternative routes for FPL's facilities and provide new utility easements to FPL, as well as pay for all reasonable FPL relocation costs.

Section 3: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
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.

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DOUGLAS R. GONZALES, CITY ATTORNEY