

ORDINANCE NO. _____

(VA-19-01)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, VACATING A PORTION OF THE PLATTED ALLEY LYING WITHIN BLOCK 8 OF THE PLAT OF "HOLLYWOOD SOUTH SIDE ADDITION"; PROVIDING A SEVERABILITY CLAUSE AND REPEALER PROVISION.

WHEREAS, the Applicant, HGT Fiori, LLC., has submitted application VA-19-01 for review and approval to vacate a portion of the 15' wide service alley within Block 8 of the Plat of "HOLLYWOOD SOUTH SIDE ADDITION" as set forth in the attached Exhibit "A", as recorded at Plat Book 3, Page 16 in the Public Records of Broward County, Florida; and

WHEREAS, connectivity from a newly dedicated and constructed 15' wide alley, and a 5' wide access easement with turn radius at the alley intersection leading to Washington Street will be provided through an alley dedication document, access easement and construction provisions prior to the vacation becoming effective as more specifically described in the attached Exhibit "B"; and

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

WHEREAS, the written request from the Division clearly states that if the agencies do not respond within the period specified in the request, the City will assume that the agencies have 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 the vacation to be 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 right-of-way is not required for public use if a replacement alley is provided, 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, Florida.

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 in this Ordinance.

Section 2: That it vacates that portion of the platted alley lying within Block 8 of the Plat of "HOLLYWOOD SOUTH SIDE ADDITION", as set forth in Plat Book 3, Page 16, and as more specifically described in the attached Exhibit "A".

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 the following requirements have been satisfied:

a) That the City has received written notice from the 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, no objection to the alley vacation; and

b) That the City has received, accepted and recorded an alley right-of-way dedication document and an access easement, and has been provided with approved construction as-builts for an appropriate connection between the remaining alley section and Washington Street to the North as more specifically described in the attached Exhibit "B"; and

c) That the City has received a Unity of Title for Lots 1 through 3 and Lots 27-30 providing for unified development of the consolidated parcels; and

d) 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 become null and void.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, VACATING A PORTION OF THE PLATTED ALLEY LYING WITHIN BLOCK 8 OF THE PLAT OF "HOLLYWOOD SOUTH SIDE ADDITION".

Advertised _____, 2019.

PASSED on first reading this _____ day of _____, 2019.

PASSED AND ADOPTED on second reading this _____ day of _____, 2019.

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