

1 EXHIBIT 1

2
3 ORDINANCE NO. 2017 -

4
5 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
6 THE CITY OF HALLANDALE BEACH, FLORIDA VACATING
7 CERTAIN PORTIONS OF THE RIGHT-OF-WAY THAT LIES
8 NORTH OF, AND ADJACENT TO, LOT 15, BLOCK 2,
9 "BOULEVARD MANORS", IN HALLANDALE BEACH,
10 FLORIDA; AUTHORIZING THE CITY MANAGER TO EXECUTE
11 A TERMINATION AND RELEASE OF PUBLIC RIGHT OF WAY;
12 PROVIDING FOR CONFLICT; PROVIDING FOR
13 SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE.

14 WHEREAS, application # 144-15-RV was submitted by Phillip King Investments,
15 Inc., requesting right-of-way vacation of the southern half portion, or five (5) feet, of a forty
16 (40) foot strip alleyway, lying north of Lot 15, Block 2 of the Boulevard Manors subdivision
17 in the City of Hallandale Beach, to enable the expansion of the existing business, located
18 at 213 E. Hallandale Beach Blvd.; and

19 WHEREAS, pursuant to section 25-103(c) of the City's Code of Ordinances
20 following a public hearing the City Commission shall grant or deny an application for
21 vacation of right-of-way by ordinance; and

22 WHEREAS, vacation of that certain portion of right-of-way is currently unimproved
23 and lies contiguous to a right-of-way which was vacated on December 13, 1991; and

24 WHEREAS, pursuant to section 32-1004 courtesy public notices have been mailed
25 to all property owners within a 1,000 feet radius from the site area and is publicly
26 advertised; and

27 WHEREAS, the City Administration has determined that no public interest will be
28 adversely affected by the vacation, nor is the use necessary as public right-of-way or
29 public utility purpose.

30 NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY
31 COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:

32 SECTION 1. City Commission Findings. Due notice has been given to property
33 owners adjoining or abutting the parcel and this ordinance has been published as required

1 by law and the Commission further finds that the vacation provided for in this ordinance
2 will not adversely impact any property or the general public and does not present a
3 reasonably foreseeable need.

4 **SECTION 2. Vacation of Right of Way.** That portion of right-of-way lying north
5 of Lot 15, Block 2 of the Boulevard Manors subdivision, generally known as 213 E.
6 Hallandale Beach Blvd., as shown in attached Exhibits "A", and more particularly
7 described in attached Exhibit "B", is declared to be unnecessary for right-of-way or public
8 purposes and is hereby vacated, abandoned, closed and discontinued for use as a right-
9 of-way.

10 **SECTION 3. City Manager Authorized.** The Mayor and City Commission
11 hereby authorize the City Manager to execute a Termination and Release of Public Right-
12 of-Way, in the form and substance similar to Attachment "A", to terminate that portion of
13 Right-of-Way legally described below:

14 **RIGHT OF WAY**
15

16 THE SOUTH ½ OF THE ALLEY LYING NORTH OF AND ADJACENT TO LOT 15,
17 BLOCK 2, "BOULEVARD MANORS", ACCORDING TO THE PLAT THEREOF AS
18 RECORDED IN PLAT BOOK 22 , AT PAGE 9 OF THE PUBLIC RECORDS OF
19 BROWARD COUNTY FLORIDA; BEING BOUNDED ON THE EAST BY THE
20 NORTHERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT 15;
21 BOUNDED ON THE SOUTH BY THE NORTH LINE OF SAID LOT 15; AND
22 BOUNDED ON THE NORTH BY A LINE 5.00 FEET NORTH OF AN PARALLEL
23 TO THE NORTH LINE OF SAID LOT 15; AND BOUNDED ON THE WEST BY
24 THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 15.

25 **SECTION 4.** Upon the execution of one (1) original Termination and Release of
26 Public Right of Way, the City Clerk shall record the Termination and Release of Public
27 Right-of-Way in the Public Records of Broward County, and upon recordation, the original
28 shall be retained by the City Clerk as a public record.

29 **SECTION 5. Providing for Conflict.** All ordinances or parts of ordinances and all
30 resolutions or parts of resolutions in conflict herewith are hereby repealed.

31 **SECTION 6. Providing for Severability.** In the event that any section or provision
32 of this ordinance or any portion thereof, any paragraph, sentence or word be declared by

1 a court of competent jurisdiction to be invalid, such decision shall not affect the validity of
2 the remainder hereof as a whole or part thereof other than the part declared to be invalid.

3 **SECTION 7. Providing for Effective date.** This ordinance shall take effect upon
4 adoption.

5 PASSED on First Reading on _____ 2017.

6 ADOPTED on Second Reading on _____ 2017.

7
8
9
10 _____
11 JOY F. COOPER
MAYOR

12 SPONSORED BY: CITY ADMINISTRATION

13 ATTEST:

14
15
16
17 _____
18 MARIO BATAILLE, CMC
19 CITY CLERK

20
21 APPROVED AS TO LEGAL SUFFICIENCY and
22 FORM

23
24
25 _____
26 JENNIFER MERINO
27 CITY ATTORNEY

ATTACHMENT A

This instrument was prepared by and
After recording should be returned to:

City Attorney's Office
City of Hallandale Beach
400 South Federal Highway
Hallandale Beach, FL 33009

TERMINATION AND RELEASE OF PUBLIC RIGHT OF WAY

THIS TERMINATION AND RELEASE OF PUBLIC RIGHT OF WAY ("Release") is entered into this ____ day of _____, 2017, by the Phillip King Investments, Inc. (hereinafter "Applicant").

RECITALS

WHEREAS, a southern half portion of a forty (40) foot strip of right-of-way, lying north of Lot 15, Block 2 of the Boulevard Manors subdivision, also known as 213 E. Hallandale Beach Blvd., Hallandale Beach, FL 33009, was dedicated as public right-of-way as set forth in the Plat Book 1, PG 71 and Plat Book 2 PG 90 of the Official Public Records of Dade County, Florida; and

WHEREAS, the Applicant has requested termination of the Public Right-of-Way and has determined that no public interest will be adversely affected by termination of said Public Right-of-Way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF HALLANDALE BEACH, FLORIDA:

1. The recitations set forth above are true and correct and are incorporated herein as part of this termination and release.
2. The City hereby terminates, vacate, abandon, close and discontinue for use that public Right-of-Way legally described below and shown in the attached Exhibits "A" and "B".

RIGHT OF WAY

A 5-FOOT-WIDE STRIP OF LAND, A PUBLIC RIGHT-OF- WAY, THE SOUTH ½ OF THE ALLEY LYING NORTH OF AND ADJACENT TO LOT 15, BLOCK 2, "BOULEVARD MANORS", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22 , AT PAGE 9 OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA; BEING BOUNDED ON THE EAST BY THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT 15; BOUNDED ON THE SOUTH BY THE NORTH LINE OF SAID LOT 15; AND BOUNDED ON THE NORTH BY A LINE 5.00 FEET NORTH OF AN PARALLEL TO THE NORTH LINE OF SAID LOT 15; AND BOUNDED ON THE WEST BY THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 15.

SAID LANDS SITUATED IN THE CITY OF HALLANDALE BEACH, BROWARD COUNTY, FLORIDA AND CONTAINING 200 SQUARE FEET (.0046 ACRE) MORE OR LESS.

3. This Termination and Release of Public Right-of-Way shall be recorded in the Official Records Book of Broward County, Florida.

IN WITNESS WHEREOF, the undersigned has executed its hand and seal on the day and year first above written.

ROGER M. CARLTON
CITY MANAGER

ATTEST:

MARIO BATAILLE, CMC
CITY CLERK

STATE OF FLORIDA }
COUNTY OF BROWARD }

The foregoing Termination and Release of Public Right-of-Way was acknowledged before me this ____ day of _____, 2017, by Roger M. Carlton, City Manager and attested by Mario Bataille, City Clerk, who is personally known to me.

[NOTARIAL SEAL]

Notary: _____
Print Name: _____
Notary Public, State of _____
My commission expires: _____

Exhibit A

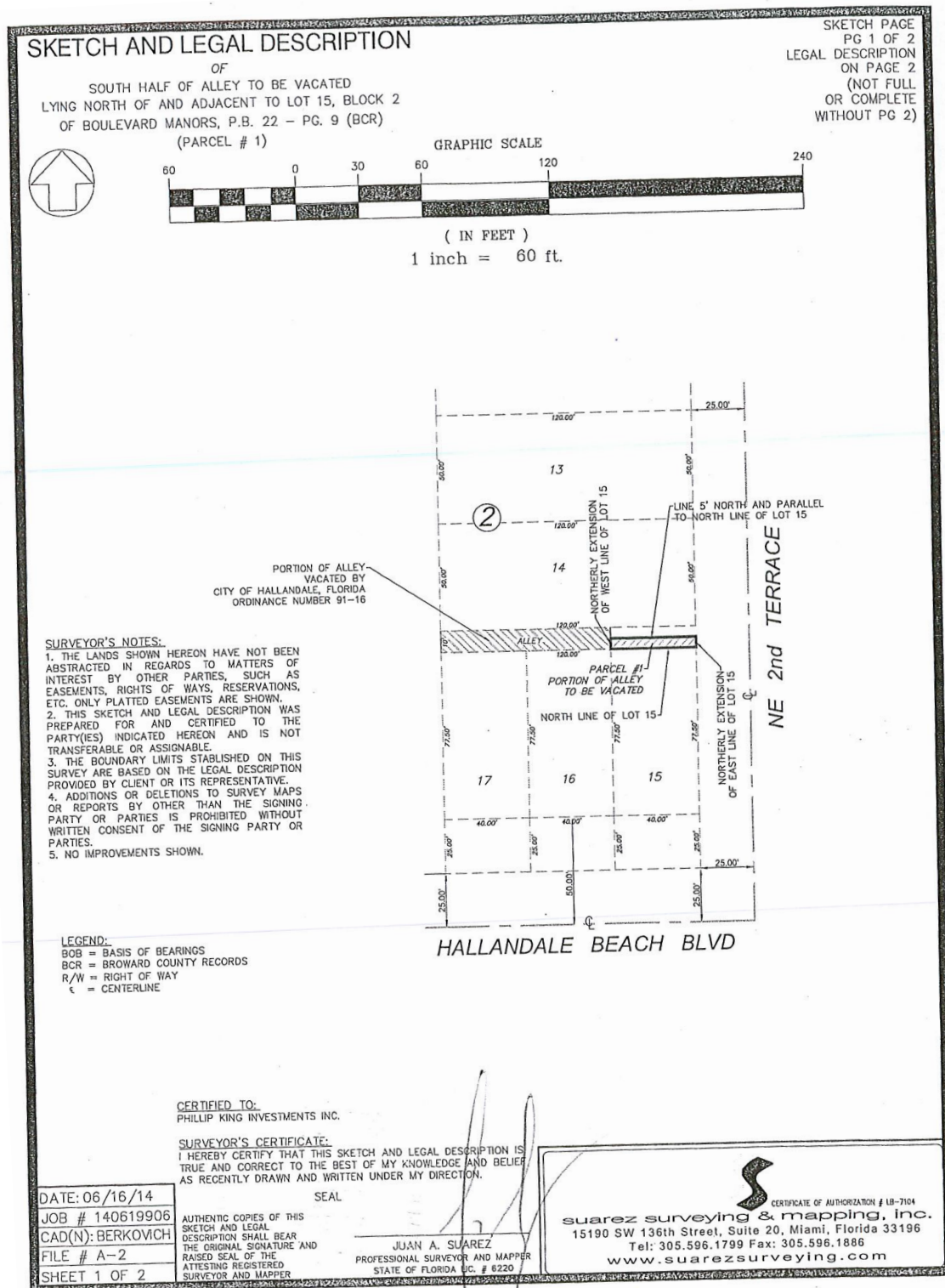



Exhibit B

SKETCH AND LEGAL DESCRIPTION		<small>LEGAL DESCRIPTION PG 2 OF 2 SKETCH ON PAGE 1 (NOT FULL OR COMPLETE WITHOUT PG 1)</small>
<small>OF SOUTH HALF OF ALLEY TO BE VACATED LYING NORTH OF AND ADJACENT TO LOT 15, BLOCK 2 OF BOULEVARD MANORS, P.B. 22 - PG. 9 (BCR) (PARCEL # 1)</small>		
<p><u>LEGAL DESCRIPTION:</u></p> <p>LEGAL DESCRIPTION: (PARCEL #1)</p> <p>THE SOUTH 1/2 OF THE ALLEY LYING NORTH OF AND ADJACENT TO LOT 15, BLOCK 2, "BOULEVARD MANORS", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, AT PAGE 9 OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA; BEING BOUNDED ON THE EAST BY THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT 15; BOUNDED ON THE SOUTH BY THE NORTH LINE OF SAID LOT 15; AND BOUNDED ON THE NORTH BY A LINE 5.00 FEET NORTH OF AND PARALLEL TO THE NORTH LINE OF SAID LOT 15; AND BOUNDED ON THE WEST BY THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 15.</p>		
<p><small>CERTIFIED TO: PHILLIP KING INVESTMENTS INC.</small></p> <p><small>SURVEYOR'S CERTIFICATE: I HEREBY CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SURVEYED AND DRAWN UNDER MY DIRECTION.</small></p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"><div style="width: 45%;"><p><small>DATE: 06/16/14 JOB # 140619906 CAD(N): BERKOVICH FILE # A-2 SHEET 2 OF 2</small></p></div><div style="width: 45%; text-align: center;"><p><small>SEAL</small></p><div style="border: 1px solid black; padding: 5px; margin: 0 auto; width: 100px;"><p><small>JUAN A. SUAREZ PROFESSIONAL SURVEYOR AND MAPPER STATE OF FLORIDA LIC. # 6920</small></p></div></div></div> <div style="width: 100%; text-align: center; margin-top: 10px;"><div style="display: flex; align-items: center; justify-content: center;"><div><p><small>CERTIFICATE OF AUTHORIZATION # LB-7104</small></p><p>suarez surveying & mapping, inc.</p><p><small>15190 SW 136th Street, Suite 20, Miami, Florida 33196 Tel: 305.596.1799 Fax: 305.596.1886 www.suarezsurveying.com</small></p></div></div></div>		