

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 KNOWN AS
8 "OLD FEDERAL HIGHWAY" ADJACENT TO THE BLUESTEN
9 PARK REDEVELOPMENT SITE GENERALLY LOCATED
10 BETWEEN SE 5TH STREET AND SE 7TH STREET IN
11 HALLANDALE BEACH, FLORIDA; AUTHORIZING THE CITY
12 MANAGER TO EXECUTE A TERMINATION AND RELEASE OF
13 PUBLIC RIGHT-OF-WAY; PROVIDING FOR CONFLICT;
14 PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
15 EFFECTIVE DATE.
16

17 WHEREAS, the City of Hallandale Beach ("City") submitted application # RV-17-
18 1933 requesting right-of-way vacation of Old Federal Highway, a 66 feet wide right-of-way
19 for approximately 698 feet in length adjacent to the Bluesten Park redevelopment site
20 generally located between SE 5th Street and SE 7th Street; and
21

22 WHEREAS, the vacation is necessary to accommodate the proposed
23 redevelopment and expansion of Bluesten Park, located at 501 SE 1st Avenue. A portion
24 of the proposed multi-purpose field and concession/field house will be located over the
25 right-of-way sought to be vacated; and
26

27 WHEREAS, pursuant to section 25-103 of the City's Code of Ordinances, following
28 notice and a public hearing the City Commission shall grant or deny an application for
29 vacation of right-of-way by ordinance; and
30

31 WHEREAS, City Administration has determined that no public interest will be
32 adversely affected by vacation of the right-of-way, nor is the use necessary as public right-
33 of-way, and public utility purpose easements have been agreed upon.
34

35 NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY
36 COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:
37

38 **SECTION 1. City Commission Findings.** This ordinance has been published
39 as required by law and that the vacation provided for in this ordinance will not adversely

40 impact any property or the general public and does not present a reasonably foreseeable
41 need.

42
43 **SECTION 2. Vacation of Right-of-Way.** That portion of right-of-way known as
44 “Old Federal Highway” adjacent to the Bluesten Park redevelopment site generally located
45 between SE 5th Street and SE 7th Street in Hallandale Beach, Florida as shown and more
46 particularly described in attached Exhibit “1-A” is declared to be unnecessary for right-of-
47 way for public purposes and is hereby vacated, abandoned, closed and discontinued for
48 use as a right-of-way.

49
50 **SECTION 3. City Manager Authorized.** The Mayor and City Commission
51 hereby authorize the City Manager to execute a “Termination and Release of Public Right-
52 of-Way”, in the form and substance similar to Attachment “A”, to terminate that portion of
53 right-of-way legally described below and more particularly described in Exhibit “1-A”:

54
55 **RIGHT OF WAY**

56 A PORTION OF OLD FEDERAL HIGHWAY LYING BETWEEN SOUTHEAST 7TH
57 STREET AND SOUTHEAST 5TH STREET IN THE CITY OF HALLANDALE
58 BEACH, FLORIDA, PARTIALLY DESCRIBED IN OFFICIAL RECORDS BOOK
59 39286, PAGE 1053 OF THE PUBLIC RECORDS OF BROWARD COUNTY,
60 FLORIDA, PARTIALLY SHOWN ON FLORIDA DEPARTMENT OF
61 TRANSPORTATION RIGHT OF WAY MAP 86010-2519; AND AS DEPICTED ON
62 THE PLAT OF 601 OLD FEDERAL HIGHWAY PLAT, AS RECORDED IN PLAT
63 BOOK 174, PAGE 132 OF SAID PUBLIC RECORDS, AS MORE PARTICULARLY
64 DESCRIBED IN EXHIBIT “1-A”.

65
66 **SECTION 4. Recording of Termination and Release.** Upon the execution of
67 one (1) original “Termination and Release of Public Right-of-Way”, the City Clerk shall
68 record the “Termination and Release of Public Right-of-Way” in the Public Records of
69 Broward County, and upon recordation, the original shall be retained by the City Clerk as
70 a public record.

71
72 **SECTION 5. Providing for Conflict.** All ordinances or parts of ordinances and
73 all resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 6. Providing for Severability. In the event that any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

SECTION 7. Providing for Effective Date. This ordinance shall take effect upon adoption.

PASSED on First Reading on _____ 2017.

ADOPTED on Second Reading on _____ 2017.

JOY F. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

MARIO BATAILLE, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY and
FORM

JENNIFER MERINO
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 City of Hallandale Beach (hereinafter "Applicant").

RECITALS

WHEREAS, that portion known as "Old Federal Highway" adjacent to the Bluesten Park redevelopment site lying between Southeast 7th Street and Southeast 5th Street in the City of Hallandale Beach, Florida, partially described in Official Records Book 39286, page 1053 of the Public Records of Broward County, Florida, partially shown on Florida Department of Transportation Right of Way Map 86010-2519; was dedicated as a public right-of-way and as depicted on the plat of 601 Old Federal Highway, as recorded in Plat Book 174, page 132 of said public records, and is more particularly described in Exhibit "1-A"; and

WHEREAS, the Applicant has requested termination and release of the Public Right-of-Way and has determined that no public interest will be adversely affected by termination and release 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, vacates, abandons, closes and discontinues for use the public right-of-way legally described below and shown in the attached Exhibit "1-A".

RIGHT OF WAY

A PORTION OF OLD FEDERAL HIGHWAY LYING BETWEEN SOUTHEAST 7TH STREET AND SOUTHEAST 5TH STREET IN THE CITY OF HALLANDALE BEACH, FLORIDA, PARTIALLY DESCRIBED IN OFFICIAL RECORDS BOOK 39286, PAGE 1053 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, PARTIALLY SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP 86010-2519; AND AS DEPICTED ON THE PLAT OF 601 OLD FEDERAL HIGHWAY PLAT, AS RECORDED IN PLAT BOOK 174, PAGE 132 OF SAID PUBLIC RECORDS, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "1-A".

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: _____