

1 EXHIBIT 2

2
3 RESOLUTION NO. 2017 -

4
5 A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE
6 CITY OF HALLANDALE BEACH, FLORIDA, VACATING CERTAIN
7 PLATTED UTILITY EASEMENTS LOCATED AT THE OLD FEDERAL
8 HIGHWAY PLAT, AUTHORIZING THE CITY MANAGER TO EXECUTE
9 A TERMINATION AND RELEASE OF UTILITY EASEMENTS;
10 PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND
11 PROVIDING FOR AN EFFECTIVE DATE.
12

13 WHEREAS, the City of Hallandale Beach has applied to vacate certain platted utility
14 easements located at the 601 Old Federal Highway Plat parcel, including a twelve (12) feet utility
15 easement along the northwest property line and a ten (10) feet utility easement for drainage along
16 the east property line, more particularly described in "Sketch and Description Vacation of Utility
17 Easements" (Exhibit "1-A"); and

18 WHEREAS, section 25-103 of the Hallandale Beach Code of Ordinances provides that a
19 petition for vacation of an easement may be granted or denied by resolution following notice and
20 a public hearing by the City Commission; and

21 WHEREAS, section 25-103 of the Code provides that if approval of other governmental
22 bodies is necessary for such vacation, such approval shall not be final until all other governmental
23 bodies have approved such vacations; and

24 WHEREAS, the easements sought to be vacated are located within the 601 Old Federal
25 Highway Plat which were approved by the City Commission and Broward County Commission.
26 Therefore, in addition to City Commission approval, vacation of the easement will require Broward
27 County Commission approval; and
28

29 WHEREAS, it is anticipated Broward County may take approximately three (3) months to
30 complete the process, and the City's approval of the easement vacation will become effective
31 upon approval by the Broward County Commission; and
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33 WHEREAS, no public interest will be adversely affected by termination of said portion of
34 the Utility Easement.
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36 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF**
37 **THE CITY OF HALLANDALE BEACH, FLORIDA:**

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39 **SECTION 1.** The foregoing “whereas” clauses are incorporated herein.

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41 **SECTION 2. Mayor and City Commission Findings.** The Mayor and City Commission
42 finds that the vacation provided for in this resolution will not adversely impact any property or the
43 general public and no present or reasonably foreseeable need exists for the vacated land.

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45 **SECTION 3. City Manager Authorized.** The Mayor and City Commission hereby
46 authorize the City Manager to execute a termination and release of easement, in form and
47 substance similar to “Termination and Release of Utility Easements” attached hereto as
48 Attachment “A”, to vacate certain platted utility easements located at the 601 Old Federal Highway
49 Plat parcel, including a twelve (12) feet utility easement along the northwest property line and a
50 ten (10) feet utility easement for drainage along the east property line, more particularly described
51 in “Sketch and Description Vacation of Utility Easements” (Exhibit “1-A”).

52
53 **SECTION 3. Recording of Termination and Release.** Upon execution of one (1)
54 original “Termination and Release of Utility Easements”, the City Clerk shall record the
55 “Termination and Release of Utility Easements” in the Public Records of Broward County, and
56 upon recordation, the original shall be retained by the City Clerk as a public record.

57
58 **SECTION 6. Providing for Conflict.** All ordinances or parts of ordinances and all
59 resolutions or parts of resolutions in conflict herewith are hereby repealed.

60
61 **SECTION 7. Providing for Severability.** In the event that any section or provision of
62 this ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of
63 competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder
64 hereof as a whole or part thereof other than the part declared to be invalid.

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66 **SECTION 8. Providing for Effective Date.** This ordinance shall take effect upon
67 adoption.

68
69 APROVED and ADOPTED this ____ day of ____, 2017

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75 SPONSORED BY: CITY ADMINISTRATION

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77 ATTEST:

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79

80 MARIO BATAILLE, CMC
81 CITY CLERK

82

83 Approved as to legal sufficiency and form

84

85

86 JENNIFER MERINO

87 CITY ATTORNEY

JOY F. COOPER

MAYOR

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 UTILITY EASEMENTS

THIS TERMINATION AND RELEASE OF UTILITY EASEMENTS ("Release") is entered into this ____ day of _____, 2017, by the City of Hallandale Beach (hereinafter "Applicant").

RECITALS

WHEREAS, the platted utility easements located at the 601 Old Federal Highway Plat parcel, including a twelve (12) feet utility easement along the northwest property line and a ten (10) feet utility easement for drainage along the east property line, more particularly described in "Sketch and Description Vacation of Utility Easements" (Exhibit "1-A"); and

WHEREAS, the Applicant has requested termination and release of utility easements as described herein and has determined that no public interest will be adversely affected by termination of said utility easements.

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 utility easements legally described below and more particularly described in the attached Exhibit "1-A".

UTILITY EASEMENTS

ALL OF THOSE CERTAIN PLATTED 12-FOOT WIDE AND 10-FOOT WIDE UTILITY EASEMENTS, BEING A PORTION OF TRACT "A," 601 OLD FEDERAL HIGHWAY PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 174, PAGE 132 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE CITY OF HALLANDALE BEACH, BROWARD COUNTY, FLORIDA. CONTAINING 13,951 SQUARE FEET OR 0.320 ACRES MORE OR LESS.

3. This "Termination and Release of Utility Easements" 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 Utility Easements 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: _____