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WHEREAS, Maltese Diplomat Owner, LLC is requesting to vacate a drainage easement within the approved Major Development Plan for the Diplomat Golf Course Project; specifically, within the Tower 100 site, a 250-unit residential building proposed on the southeast corner of the Diplomat property zoned Central City Business District as described in the attached survey (Exhibit A); and

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

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

WHEREAS, no public interest will be adversely affected by termination of said portion of the Easement as specifically described and identified in Exhibit B; and

WHEREAS, the applicant proposes to relocate existing water and drainage lines, at the developer's expense, and dedicate a new drainage easement to the City of Hallandale Beach that would not conflict with the approved location of the proposed Tower 100. The legal description and sketch of the proposed easement is attached as Exhibit "D."

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION
OF THE CITY OF HALLANDALE BEACH, FLORIDA:**

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

37
38 **SECTION 2. Mayor and City Commission Findings.** The Mayor and City Commission
39 finds that the vacation provided for in this resolution will not adversely impact any property or
40 the general public and no present or reasonably foreseeable need exists for the vacated land.

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42 **SECTION 3. City Manager Authorized.** The Mayor and City Commission hereby
43 authorize the City Manager to execute a termination and release of easement, to vacate
44 easement more particularly described in Exhibit B, subject to the following conditions:

45 1. The Applicant shall grant a new drainage easement as described and shown on
46 attached Exhibit “D” in a form acceptable to the City Attorney.

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48 2. The Applicant shall be responsible for the relocation and construction of the new
49 drainage and water lines in a manner acceptable to the City Engineer, at the applicant’s
50 expense.

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52 3. Approval of the easement vacation shall be effective upon Broward County
53 Commission’s approval of the vacation.

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

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

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

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68 **SECTION 8. Providing for Effective Date.** This resolution shall take effect upon
69 adoption.

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APROVED and ADOPTED this 20th day of February, 2019.

JOY D. ADAMS
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

JENORGEN GUILLEN, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY AND
FORM

JENNIFER MERINO
CITY ATTORNEY