1 2	EXHIBIT 1 ORDINANCE NO. 2019
3 4 5 6 7 8 9 10 11 12 13	AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA VACATING CERTAIN PORTIONS OF THE RIGHT-OF-WAY OF NW 6 TH STREET GENERALLY BETWEEN NW 1 ST STREET AND NORTH DIXIE HIGHWAY IN HALLANDALE BEACH, FLORIDA; AUTHORIZING THE CITY MANAGER TO EXECUTE A TERMINATION AND RELEASE OF PUBLIC RIGHT OF WAY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
14	WHEREAS, Hallandale City Center, LLC submitted application # RV-19-845
15	requesting right-of-way vacation of NW 6 th Street generally between NW 1 st Street and
16	North Dixie Highway, Hallandale Beach, Florida, a 40 feet right-of-way containing 10, 637
17	feet or 0.24 acre; and
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19	WHEREAS, the vacation is necessary to accommodate the proposed
20	development of a mixed-use project consisting of two (2) residential buildings and a mixed-
21	use building for a total of 89 multi-family residential units and 26, 530 square feet of
22	commercial floor area on 3 parcels of land; and
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24	WHEREAS, pursuant to section 25-103 of the City's Code of Ordinances, following
25	notice and a public hearing, the City Commission shall grant or deny an application for
26	vacation of right-of-way by ordinance; and
27	
28	WHEREAS, City Administration has determined that no public interest will be
29	adversely affected by vacation of the right-of-way, nor is the use necessary as public right-
30	of-way, and public utility purpose easements have been agreed upon.
31	
32	NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY
33	COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:
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35	SECTION 1. City Commission Findings. This ordinance has been published
36	as required by law and that the vacation provided for in this ordinance will not adversely
37	impact any property or the general public and does not present a reasonably foreseeable
38	need.
	1

40 SECTION 2. Vacation of Right-of-Way. That portion of right-of-way generally 41 between NW 1st Street and North Dixie Highway, Hallandale Beach, Florida, a 40 feet right-of-way containing 10, 637 feet or 0.24 acre as shown and more particularly described 42 43 in attached Exhibit "A" is declared to be unnecessary for right-of-way for public purposes and is hereby vacated, abandoned, closed and discontinued for use as a right-of-way. 44

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SECTION 3. City Manager Authorized. The Mayor and City Commission hereby authorize the City Manager to execute a "Termination and Release of Public Right-of-47 Way", in the form and substance similar to Attachment "A", to terminate that portion of 48 right-of-way legally described below and more particularly described in Exhibit "1-A": 49

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51 RIGHT OF WAY

"N.W. 6TH STREET" (A PORTION) compose of the two strips of land of 40.00 feet wide described as follows:

55 A PORTION OF AN EXISTING PUBLIC 30.00 FEET RIGHT OF WAY TO BE 56 VACATED, LYING AT THE SOUTH LINE OF LOTS 1 AND 2, BLOCK "G" OF 57 "GEORGE M. PHIPPENS'S SUBDIVISION" AND THE EAST RIGHT OF WAY LINE OF N.W. 1ST AVENUE AND THE WEST RIGHT OF WAY LINE NORTH 58 59 DIXIE HIGHWAY AND THE NORTH LINE OF LOTS 11 AND 12 OF "GEORGE M. 60 PHIPPENS'S SUBDIVISION", OF "FREDERICK'S SURVEY" A SUBDIVION IN 61 THE SOUTHWEST ONE-QUARTER (1/4) OF SECTION 22, TOWNSHIP 51 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF AS 62 RECORDED IN PLAT BOOK 1, OF PAGE 71 OF THE PUBLIC RECORDS OF 63 64 MIAM-DADE COUNTY, FLORIDA, SAID LAND SITUATE, LYING AND BEING IN 65 BROWARD COUNTY, FLORIDA,.

66

67 AND

68 THE NORTH 10.00 FEET OF LOTS 11 AND 12 OF "GEORGE M. PHIPPENS'S 69 SUBDIVISION" OF "FREDERICK'S SURVEY" A SUBDIVSION IN THE 70 SOUTHWEST ONE-QUARTER (1/4) OF SECTION 22, TOWNSHIP 51 SOUTH, 71 RANGE 42 EAST. ACCORDING TO THE PLAT THEREOF AS RECORDED IN 72 PLAT BOOK 1, OF PAGE 71 OF THE PUBLIC RECORDS OF MIAMI-DADE 73 COUNTY, FLORIDA, SAID LAND SITUATE, LYING AND BEING IN BROWARD 74 COUNTY. FLORIDA IN ORDER TO COMPLETE A TOTAL OF 40.00 RIGHT-OF-75 WAY VACATION.

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- 77

78 SECTION 4. Granting and Recording of Utility and Access Easement. 79 Hallandale City Center, LLC shall grant and deliver to the City a 40 feet utility easement 80 and 24-foot access easement through the subject area prior to the recordation of Termination and Release of Public Right of Way. The vacation of right of way is contingent 81 82 upon Hallandale City Center, LLC granting the City said utility and access easement. 83 84 SECTION 5. Recording of Termination and Release. Upon the execution of one (1) original "Termination and Release of Public Right-of-Way", the City Clerk shall record 85 the "Termination and Release of Public Right-of-Way" in the Public Records of Broward 86 87 County, and upon recordation, the original shall be retained by the City Clerk as a public record. 88 89 90 SECTION 6. **Providing for Conflict.** All ordinances or parts of ordinances and 91 all resolutions or parts of resolutions in conflict herewith are hereby repealed. 92 93 SECTION 7. Providing for Severability. In the event that any section or 94 provision of this ordinance or any portion thereof, any paragraph, sentence or word be 95 declared by a court of competent jurisdiction to be invalid, such decision shall not affect 96 the validity of the remainder hereof as a whole or part thereof other than the part declared 97 to be invalid. 98 99 Providing for Effective Date. This ordinance shall take effect SECTION 8. 100 upon adoption. PASSED on First Reading on_____ 2019. 101 102 ADOPTED on Second Reading on 2020. 103 104 105 JOY ADAMS, MAYOR 106 107 SPONSORED BY: CITY ADMINISTRATION ATTEST: 108 109

3

- 110 JENORGEN GUILLEN, CMC
- 111 CITY CLERK
- 112
- 113 APPROVED AS TO LEGAL SUFFICIENCY AND
- 114 FORM
- 115
- 116 JENNIFER MERINO
- 117 CITY ATTORNEY
- 118

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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 _____, 2019, by the Hallandale City Center, LLC (hereinafter "Applicant").

RECITALS

WHEREAS, that certain portion of the right-of-way of N.W. 6TH Street" (a portion)
 generally between NW 1st Street and North Dixie Highway in Hallandale Beach, Florida
 33009 was dedicated as public right-of-way as set forth in the Plat Book 1, PG 71 of the
 Official Public Records of Miami-Dade County, Florida.

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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 "A".

125 <u>RIGHT OF WAY</u>

- 126 "N.W. 6TH STREET" (A PORTION) compose of the two strips of land of 40.00 feet
 127 wide described as follows:

128	
129	A PORTION OF AN EXISTING PUBLIC 30.00 FEET RIGHT OF WAY TO BE
130	VACATED, LYING AT THE SOUTH LINE OF LOTS 1 AND 2, BLOCK "G" OF
131	"GEORGE M. PHIPPENS'S SUBDIVISION" AND THE EAST RIGHT OF WAY
132	LINE OF N.W. 1 ST AVENUE AND THE WEST RIGHT OF WAY LINE NORTH
133	DIXIE HIGHWAY AND THE NORTH LINE OF LOTS 11 AND 12 OF "GEORGE M.
134	PHIPPENS'S SUBDIVISION", OF "FREDERICK'S SURVEY" A SUBDIVION IN
135	THE SOUTHWEST ONE-QUARTER (1/4) OF SECTION 22, TOWNSHIP 51
136	SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF AS
137	RECORDED IN PLAT BOOK 1, OF PAGE 71 OF THE PUBLIC RECORDS OF
138	MIAM-DADE COUNTY, FLORIDA, SAID LAND SITUATE, LYING AND BEING IN
139	BROWARD COUNTY, FLORIDA,.
140	

141 AND

THE NORTH 10.00 FEET OF LOTS 11 AND 12 OF "GEORGE M. PHIPPENS'S 142 143 SUBDIVISION" OF "FREDERICK'S SURVEY" A SUBDIVSION IN THE 144 SOUTHWEST ONE-QUARTER (1/4) OF SECTION 22, TOWNSHIP 51 SOUTH, 145 RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN 146 PLAT BOOK 1, OF PAGE 71 OF THE PUBLIC RECORDS OF MIAMI-DADE 147 COUNTY, FLORIDA, SAID LAND SITUATE, LYING AND BEING IN BROWARD 148 COUNTY, FLORIDA IN ORDER TO COMPLETE A TOTAL OF 40.00 RIGHT-OF-WAY VACATION. 149

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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.

GREG CHAVARRIA CITY MANAGER

ATTEST:

JENORGEN GUILLEN , 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 _____, 2020, by Greg Chavarria, City Manager and attested by Jenorgen Guillen, City Clerk, who is personally known to me.

[NOTARIAL SEAL]

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