

EXHIBIT 1  
ORDINANCE NO. 2019

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<sup>TH</sup> STREET GENERALLY BETWEEN NW 1<sup>ST</sup> 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.

**WHEREAS**, Hallandale City Center, LLC submitted application # RV-19-845 requesting right-of-way vacation of NW 6<sup>th</sup> Street generally between NW 1<sup>st</sup> Street and North Dixie Highway, Hallandale Beach, Florida, a 40 feet right-of-way containing 10, 637 feet or 0.24 acre; and

**WHEREAS**, the vacation is necessary to accommodate the proposed development of a mixed-use project consisting of two (2) residential buildings and a mixed-use building for a total of 89 multi-family residential units and 26, 530 square feet of commercial floor area on 3 parcels of land; and

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

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

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

**SECTION 1. City Commission Findings.** This ordinance has been published as required by law and that the vacation provided for in this ordinance will not adversely impact any property or the general public and does not present a reasonably foreseeable need.

**SECTION 2. Vacation of Right-of-Way.** That portion of right-of-way generally between NW 1<sup>st</sup> 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 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.

**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-Way”, in the form and substance similar to Attachment “A”, to terminate that portion of right-of-way legally described below and more particularly described in Exhibit “1-A”:

RIGHT OF WAY

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

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

AND

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



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

119

## 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

120       **WHEREAS**, that certain portion of the right-of-way of N.W. 6<sup>TH</sup> Street" (a portion)  
121       generally between NW 1<sup>st</sup> Street and North Dixie Highway in Hallandale Beach, Florida  
122       33009 was dedicated as public right-of-way as set forth in the Plat Book 1, PG 71 of the  
123       Official Public Records of Miami-Dade County, Florida.  
124

**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       RIGHT OF WAY

126       "N.W. 6<sup>TH</sup> 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<sup>ST</sup> 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 SUBDIVISION 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

142 THE NORTH 10.00 FEET OF LOTS 11 AND 12 OF "GEORGE M. PHIPPENS'S  
143 SUBDIVISION" OF "FREDERICK'S SURVEY" A SUBDIVISION 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-  
149 WAY VACATION.

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: \_\_\_\_\_