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**EXHIBIT 1
ORDINANCE NO. 2019**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA CONSIDERING SOLARIS APARTMENTS, LTD.'S APPLICATION #RV-20-2071 REQUESTING A ROAD VACATION PURSUANT TO CHAPTER 25, SECTION 25-103 OF THE HALLANDALE BEACH CODE OF ORDINANCES FOR THAT PORTION OF THE SE 2ND STREET RIGHT-OF-WAY BETWEEN SE 7TH STREET AND SE 8TH STREET LYING BETWEEN THE TWO OWNERSHIP PARCELS OF THE PROJECT SITE IN ORDER TO CREATE ONE BUILDABLE PARCEL 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.

21 **WHEREAS**, Solaris Apartments, Ltd. submitted application # RV-20-2071
22 requesting a road vacation pursuant to Chapter 25, Section 25-103 of the
23 Hallandale Beach Code of Ordinances for that portion of the SE 2nd Street right-of-
24 way between SE 7th Street and SE 8th Street lying between the two ownership
25 parcels of the project site in order to create one buildable parcel; and
26

27 **WHEREAS**, the vacation is necessary to accommodate the proposed
28 construction of a 78-unit residential development at 118 SE 7th Street/700 Old
29 Federal Highway ; and
30

31 **WHEREAS**, pursuant to section 25-103 of the City's Code of Ordinances,
32 following notice and a public hearing, the City Commission shall grant or deny an
33 application for vacation of right-of-way; and
34

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

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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. That that portion of the SE 2nd Street right-of-way between SE 7th Street and SE 8th Street lying between the two ownership parcels of the project site in order to create one buildable parcel is declared to be unnecessary 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” and as shown in the survey attached in Exhibit “2-A”:

RIGHT OF WAY_LEGAL DESCRIPTION: A PORTION OF THAT CERTAIN 50 FOOT RIGHT OF WAY FOR S.E. 2ND AVE (25 FEET OF RIGHT OF WAY FOR S.E. 2ND AVE, ENGER PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 16, PAGE 44, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND 25 FEET OF RIGHT OF WAY FOR DANIA ROAD, HALLANDALE PARK NO. 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 8, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF PARCEL A OF SAID ENGER PARK; THENCE SOUTH 01°42'44" EAST, ALONG THE WEST LINE OF SAID PARCEL A, ALSO BEING THE EAST RIGHT OF WAY LINE OF

69 SAID S.E. 2ND AVE, 97.40 FEET TO THE SOUTHWEST CORNER OF SAID
70 PARCEL A; THENCE SOUTH 35°37'32" WEST, ALONG THE NORTHERLY
71 RIGHT OF WAY LINE OF OLD FEDERAL HIGHWAY, 82.44 FEET TO A POINT
72 ON THE EAST LINE OF BLOCK 1, SAID HALLANDALE PARK NO. 2, SAID
73 POINT ALSO BEING ON THE WEST RIGHT OF WAY LINE OF SAID S.E. 2ND
74 AVE (DANIA ROAD); THENCE NORTH 01°42'44" WEST ALONG SAID WEST
75 RIGHT OF WAY LINE, 137.68 FEET TO A POINT OF CURVATURE OF A RADIAL
76 CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 25.00 FEET;
77 THENCE NORTHERLY, THROUGH A CENTRAL ANGLE OF 90°12'01" AND AN
78 ARC DISTANCE OF 39.36 FEET; THENCE NORTH 88°05'12" EAST, ALONG
79 THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK 1 AND
80 THE SOUTH RIGHT OF WAY LINE OF S.E. 7TH STREET, 75.09 FEET TO THE
81 POINT OF BEGINNING. SAID LANDS LYING IN THE CITY OF HALLANDALE
82 BEACH, BROWARD COUNTY, FLORIDA AND CONTAINING 6639.5 SQUARE
83 FEET (0.2 ACRES) MORE OR LESS.

84

85 **SECTION 4. Granting and Recording of Utility and Access Easement.**

86 Solaris Apartments, Ltd. agrees that a new easement shall be granted for sanitary
87 sewer and other utilities that *may* be required to serve the development. The
88 vacation of right of way is contingent upon Solaris Apartments, Ltd. granting the
89 City said utility and access easements.

90

91 **SECTION 5. Recording of Termination and Release.** Upon the execution
92 of one (1) original "Termination and Release of Public Right-of-Way", the City Clerk
93 shall record the "Termination and Release of Public Right-of-Way" in the Public
94 Records of Broward County, and upon recordation, the original shall be retained
95 by the City Clerk as a public record.

96

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

100

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

106

107 **SECTION 8. Providing for Effective Date.** Following adoption of this ordinance
108 by the City Commission, the ordinance shall become effective upon recordation of
109 an Engineer’s Certificate into the Public Records by the City Engineer that confirms
110 that all utilities have been removed from the right-of-way that is the subject of the
111 vacation.

112 PASSED on First Reading on _____ 2021.

113

114 ADOPTED on Second Reading on _____ 2021.

115

116

117

JOY F. COOPER
MAYOR

118

119

120 SPONSORED BY: CITY ADMINISTRATION

121 ATTEST:

122

123

JENORGEN GUILLEN, CMC
CITY CLERK

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125

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127 APPROVED AS TO LEGAL SUFFICIENCY AND
128 FORM

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130

JENNIFER MERINO
CITY ATTORNEY

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132

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 _____, 2021, by the Solaris Apartments, Ltd.
(hereinafter “Applicant”).

RECITALS

133 **WHEREAS**, that certain portion of the right-of-way of N.W. 6TH Street” (a
134 portion) was dedicated as public right-of-way as set forth in the Official Public
135 Records of Broward County, Florida at the locations set forth in Section 2 below;
136 and

137 **WHEREAS**, the Applicant agrees that a new easement shall be granted for
138 sanitary sewer and other utilities that may be required to serve the
139 development. The vacation of right of way is contingent upon Solaris Apartments,
140 Ltd. granting the City said utility and access easements.

141

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".

142 RIGHT OF WAY_LEGAL DESCRIPTION: A PORTION OF THAT CERTAIN
143 50 FOOT RIGHT OF WAY FOR S.E. 2ND AVE (25 FEET OF RIGHT OF WAY
144 FOR S.E. 2ND AVE, ENGER PARK, ACCORDING TO THE PLAT THEREOF, AS
145 RECORDED IN PLAT BOOK 16, PAGE 44, OF THE PUBLIC RECORDS OF
146 BROWARD COUNTY, FLORIDA, AND 25 FEET OF RIGHT OF WAY FOR DANIA
147 ROAD, HALLANDALE PARK NO. 2, ACCORDING TO THE PLAT THEREOF AS
148 RECORDED IN PLAT BOOK 6, PAGE 8, OF THE PUBLIC RECORDS OF
149 BROWARD COUNTY, FLORIDA), BEING MORE PARTICULARLY DESCRIBED
150 AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF PARCEL A OF
151 SAID ENGER PARK; THENCE SOUTH 01°42'44" EAST, ALONG THE WEST
152 LINE OF SAID PARCEL A, ALSO BEING THE EAST RIGHT OF WAY LINE OF
153 SAID S.E. 2ND AVE, 97.40 FEET TO THE SOUTHWEST CORNER OF SAID
154 PARCEL A; THENCE SOUTH 35°37'32" WEST, ALONG THE NORTHERLY
155 RIGHT OF WAY LINE OF OLD FEDERAL HIGHWAY, 82.44 FEET TO A POINT
156 ON THE EAST LINE OF BLOCK 1, SAID HALLANDALE PARK NO. 2, SAID
157 POINT ALSO BEING ON THE WEST RIGHT OF WAY LINE OF SAID S.E. 2ND
158 AVE (DANIA ROAD); THENCE NORTH 01°42'44" WEST ALONG SAID WEST
159 RIGHT OF WAY LINE, 137.68 FEET TO A POINT OF CURVATURE OF A RADIAL
160 CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 25.00 FEET;
161 THENCE NORTHERLY, THROUGH A CENTRAL ANGLE OF 90°12'01" AND AN
162 ARC DISTANCE OF 39.36 FEET; THENCE NORTH 88°05'12" EAST, ALONG
163 THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK 1 AND
164 THE SOUTH RIGHT OF WAY LINE OF S.E. 7TH STREET, 75.09 FEET TO THE
165 POINT OF BEGINNING. SAID LANDS LYING IN THE CITY OF HALLANDALE

166 BEACH, BROWARD COUNTY, FLORIDA AND CONTAINING 6639.5 SQUARE
167 FEET (0.2 ACRES) MORE OR LESS.

168

169 3. This Termination and Release of Public Right-of-Way shall be recorded in
170 the Official Records Book of Broward County, Florida, and shall become effective
171 upon recordation of an Engineer's Certificate into the Public Records by the City
172 Engineer that confirms that all utilities have been removed from the right-of-way
173 that is the subject of the vacation.

IN WITNESS WHEREOF, the undersigned has executed its hand and seal
on the day and year first above written.

JEREMY EARLE
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 _____, 2021, by Dr. Jeremy Earle,
City Manager and attested by Jenorgen Guillen, City Clerk, who is personally
known to me.

Notary: _____

[NOTARIAL SEAL]

Print Name: _____

Notary Public, State of _____

My commission expires: _____