

1 EXHIBIT 1  
2 ORDINANCE NO. 2021-  
3

4 AN ORDINANCE OF THE MAYOR AND CITY  
5 COMMISSION OF THE CITY OF HALLANDALE BEACH,  
6 FLORIDA, CONSIDERING APPLICATION #RV-21-1264 BY  
7 SABER HALLANDALE II, LLC, REQUESTING A ROAD  
8 VACATION PURSUANT TO CHAPTER 25, SECTION 25-  
9 103 OF THE HALLANDALE BEACH CODE OF  
10 ORDINANCES FOR THAT PORTION OF AN ALLEY LYING  
11 ADJACENT TO TWO OWNERSHIP PARCELS LOCATED  
12 AT 1800 AND 1820 EAST HALLANDALE BEACH  
13 BOULEVARD IN ORDER TO CREATE ONE BUILDABLE  
14 PARCEL IN HALLANDALE BEACH, FLORIDA;  
15 AUTHORIZING THE CITY MANAGER TO EXECUTE A  
16 TERMINATION AND RELEASE OF PUBLIC RIGHT OF  
17 WAY; PROVIDING FOR CONFLICT; PROVIDING FOR  
18 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE  
19 DATE.  
20

21 **WHEREAS**, Saber Hallandale II, LLC. has submitted Application # RV-21-  
22 2064 requesting a road vacation pursuant to Chapter 25, Section 25-103 of the  
23 Hallandale Beach Code of Ordinances for that portion of an alley lying adjacent to  
24 the two ownership parcels located at 1800 East Hallandale Beach Boulevard and  
25 1820 East Hallandale Beach Boulevard in order to create one buildable parcel;  
26 and  
27

28 **WHEREAS**, the existing alley, platted in 1925 as part of the Golden Isles  
29 Subdivision, is discontinuous and landlocked providing access to two parcels  
30 under the same ownership located at 1800 and 1820 East Hallandale Beach  
31 Boulevard; and  
32

33 **WHEREAS**, vacation of the alley by ordinance adopted by the City  
34 Commission is necessary to vacate the existing alley; and  
35

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

39  
40           **WHEREAS**, City Administration has determined that no public interest will  
41 be adversely affected by vacation of the right-of-way, nor is the use necessary as  
42 a public right-of-way, and public utility purpose easements have been agreed  
43 upon.

44  
45           **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY**  
46 **COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:**

47  
48           **SECTION 1. City Commission Findings.** This ordinance has been  
49 published as required by law, the vacation provided for in this ordinance will not  
50 adversely impact any property or the general public, and the vacation does not  
51 present a reasonably foreseeable need.

52  
53           **SECTION 2. Vacation.** That the portion of the alley adjacent to two  
54 ownership parcels located at 1800 and 1820 East Hallandale Beach Boulevard to  
55 create one buildable parcel is declared to be unnecessary for public purposes and  
56 is hereby vacated, abandoned, closed, and discontinued for use as a right-of-way.

57  
58           **SECTION 3. City Manager Authorized.** The Mayor and City Commission  
59 hereby authorize the City Manager to execute a “Termination and Release of  
60 Public Right-of-Way,” in the form and substance similar to Attachment “A”, to  
61 terminate that portion of right-of-way legally described below and as shown in the  
62 survey attached in Exhibit “A-1”:

63

**LEGAL DESCRIPTION:**

A portion of the alley in Block 3 of GOLDEN ISLES, according to the Plat thereof recorded in Plat Book 13, Page 1, of the Public Records of Broward County, Florida and lying in the SE 1/4, NW 1/4, of Section 26, Township 51 South, Range 42 East, Broward County, Florida, being more particularly described as follows; BEGINNING at Southeast corner of Lot 17, of said Block 3, thence due West, along the South line of Lots 16 and 17 of said Block 3, for a distance of 65.00 feet; thence due South, along the East line of Parcel "A" of GOLDEN ISLES SECTION "E", according to the Plat thereof, as recorded in Plat Book 46, at Page 20 of the Public Records of Broward County, Florida; for a distance 20.00 feet; said line is parallel with and 65.00 feet West of the existing Westerly right of way line of GOLDEN ISLES Drive; thence due East for a distance of 65.00 feet to a point on the West right of way of GOLDEN ISLES Drive; thence due North along said West right of way line for a distance of 20.00 feet to THE POINT OF BEGINNING.

Said lands containing 1,300 square feet more or less, by calculations.

64

65

66           **SECTION 4. Recording of Termination and Release.** Upon the execution  
67 of one (1) original "Termination and Release of Public Right-of-Way," the City Clerk  
68 shall record the "Termination and Release of Public Right-of-Way" in the Public  
69 Records of Broward County, and upon recordation, the original shall be retained  
70 by the City Clerk as a public record.

71

72           **SECTION 5. Providing for Conflict.** All ordinances or parts of  
73 ordinances and all resolutions or parts of resolutions in conflict herewith are hereby  
74 repealed.

75

76           **SECTION 6. Providing for Severability.** In the event that any section or  
77 provision of this ordinance or any portion thereof, any paragraph, sentence or word  
78 be declared by a court of competent jurisdiction to be invalid, such decision shall  
79 not affect the validity of the remainder hereof as a whole or part thereof other than  
80 the part declared to be invalid.

81

82           **SECTION 7. Providing for Effective Date.** Following adoption of this  
83 ordinance by the City Commission, the ordinance shall become effective upon  
84 recordation of an Engineer's Certificate into the Public Records by the City

Engineer that confirms that all utilities have been removed from the right-of-way  
that is the subject of the vacation.

PASSED on First Reading on this 6<sup>th</sup> day of October, 2021.

ADOPTED on Second Reading on \_\_\_\_\_ 2021.

\_\_\_\_\_  
JOY F. COOPER  
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

\_\_\_\_\_  
JENORGEN GUILLEN, CMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY AND  
FORM

\_\_\_\_\_  
JENNIFER MERINO  
CITY ATTORNEY

117 **ATTACHMENT A**

118  
119 This instrument was prepared by and  
120 after recording should be returned to:

121  
122 City Attorney's Office  
123 City of Hallandale Beach  
124 400 South Federal Highway  
125 Hallandale Beach, FL 33009  
126

127  
128 **TERMINATION AND RELEASE OF**  
129 **PUBLIC RIGHT-OF-WAY**  
130

131  
132 **THIS TERMINATION AND RELEASE OF PUBLIC RIGHT-OF-WAY ("Release")**  
133 is entered into this \_\_\_\_ day of \_\_\_\_\_, 2021, by Saber Hallandale II, LLC  
134 (hereinafter "Applicant").

135 **RECITALS**

136  
137 **WHEREAS**, that certain portion of the alley (a portion) was platted as Golden  
138 Isles Subdivision in 1925 and dedicated as public right-of-way as set forth in the  
139 Official Public Records of Broward County, Florida, at the locations set forth in  
140 Section 2 below; and

141  
142 **WHEREAS**, the Applicant has requested termination and release of the  
143 public right-of-way and City staff has determined that no public interest will be  
144 adversely affected by termination and release of said public right-of-way.

145  
146 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF HALLANDALE**  
147 **BEACH, FLORIDA:**

148  
149 1. The recitations set forth above are true and correct and are incorporated  
150 herein as part of this termination and release.

151        2. The City hereby terminates, vacates, abandons, closes, and discontinues  
152 for use the public right-of-way alleyway legally described below and shown in the  
153 survey attached as Exhibit "A-1".

**LEGAL DESCRIPTION:**

A portion of the alley in Block 3 of GOLDEN ISLES, according to the Plat thereof recorded in Plat Book 13, Page 1, of the Public Records of Broward County, Florida and lying in the SE 1/4, NW 1/4, of Section 26, Township 51 South, Range 42 East, Broward County, Florida, being more particularly described as follows; BEGINNING at Southeast corner of Lot 17, of said Block 3, thence due West, along the South line of Lots 16 and 17 of said Block 3, for a distance of 65.00 feet; thence due South, along the East line of Parcel "A" of GOLDEN ISLES SECTION "E", according to the Plat thereof, as recorded in Plat Book 46, at Page 20 of the Public Records of Broward County, Florida; for a distance 20.00 feet; said line is parallel with and 65.00 feet West of the existing Westerly right of way line of GOLDEN ISLES Drive; thence due East for a distance of 65.00 feet to a point on the West right of way of GOLDEN ISLES Drive; thence due North along said West right of way line for a distance of 20.00 feet to THE POINT OF BEGINNING.

Said lands containing 1,300 square feet more or less, by calculations.

154  
155        3. This Termination and Release of Public Right-of-Way shall be recorded in  
156 the Official Records Book of Broward County, Florida, and shall become  
157 effective upon recordation of an Engineer's Certificate into the Public  
158 Records by the City Engineer that confirms that any utilities have been  
159 removed from the right-of-way that is the subject of the vacation.

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

164 \_\_\_\_\_  
165 JEREMY EARLE  
166 CITY MANAGER

167  
168 ATTEST:

169  
170  
171 \_\_\_\_\_  
172 JENORGEN GUILLEN, CMC  
173 CITY CLERK

174  
175 STATE OF FLORIDA }  
176 COUNTY OF BROWARD }

177  
178 The foregoing Termination and Release of Public Right-of-Way instrument  
179 was acknowledged before me by means of ☐ physical presence or ☐ online  
180 notarization this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Dr. Jeremy Earle, City  
181 Manager, and attested by Jenorgen Guillen, City Clerk, who is personally known  
182 to me.

183  
184  
185 Notary: \_\_\_\_\_

186 [NOTARIAL SEAL]

187  
188 Print Name: \_\_\_\_\_  
189 Notary Public, State of \_\_\_\_\_  
190 My commission expires: \_\_\_\_\_  
191