

ORDINANCE NO. 2023/002

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, VACATING AND ABANDONING TWO (2) TWENTY-FOOT WIDE UTILITY EASEMENTS AND ONE FIFTEEN FOOT WIDE ROAD AND MAINTENANCE EASEMENT LOCATED IN THE VICINITY OF 414, 430, 454 & 480 N.E. 1ST AVENUE, 240 N.E. 5TH STREET, 412, 424 430, 446, 450 & 458 N. RIVER DRIVE AND 409 N. RIVER AVENUE (VISTA CLARA); PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City of Deerfield Beach received an application (Application 22-A-199) (the “Application”) from Deerfield Development Resources, LLC (the “Applicant”) to vacate and abandon two (2) 20-foot wide utility easements (recorded in O.R.B. 7684, PG. 155 and O.R.B. 7684, Page 156) and a 15-foot road and maintenance easement (recorded in O.R.B. 5631, Page 855) (the “Easements”) located in Deerfield Beach, Florida, as more particularly described on Composite Exhibit “A”; and

WHEREAS, on August 4, 2020, the City approved the rezoning of twelve parcels, site plan, plat and abandonment of seven easements related to the Vista Clara multi-family residential planned development, which is located at 414, 430, 454 & 480 N.E. 1st Avenue, 240 N.E. 5th Street, 412, 424 430, 446, 450 & 458 N. River Drive and 409 N. River Avenue (the “Development”); and

WHEREAS, subsequent to the Development approvals and the Applicant moving forward with the Development, a new title search was completed and the Applicant discovered the existence of three additional easements; and

WHEREAS, the Application has been submitted to enable the redevelopment of the twelve parcels, and the following three existing easements, as more particularly described in Composite Exhibit “A”, conflict with the site plan approved on August 4, 2020 for the Development and are included in the Applicant’s abandonment request:

- 1. ORB 7684, PG 155 - 20 foot wide utility easement
- 2. ORB 7684, PG 156 - 20 foot wide utility easement
- 3. ORB 5631, PG 855 - 15 foot road and maintenance easement (collectively, the “Easements”); and

WHEREAS, the Applicant has submitted letters of no objection from all affected franchise utilities as part of the Application to the City; and

WHEREAS, Staff’s review of the Application has found that the proposed abandonment of the Easements is consistent with the Future Land Use Element of the Comprehensive Plan, the City’s Official Zoning Map and Land Development Code; and

WHEREAS, City staff finds that there is no public purpose and use in retaining the Easements as utility easements.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part hereof.

Section 2. The legal descriptions of the Easements to be abandoned are as set forth on the attached Composite Exhibit “A”, which is incorporated herein by reference.

Section 3. The City Commission hereby finds that there is no public purpose and use in retaining the Easements as utility easements and does hereby find that the Easements, as set forth on Composite Exhibit “A”, should be vacated and abandoned. The Easements, attached as Exhibit “A”, are hereby vacated and abandoned.

Section 4. All sections or parts of the City Code of Ordinances, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

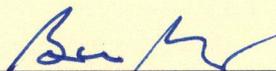
Section 6. The appropriate City officials are authorized to do all things necessary and expedient to carry out the aims of this Ordinance.

Section 7. This Ordinance shall take effect immediately upon adoption on Second Reading.

PASSED 1ST READING ON THIS 4TH DAY OF APRIL, 2023.

PASSED 2ND READING ON THIS 25TH DAY OF APRIL, 2023.

CITY OF DEERFIELD BEACH

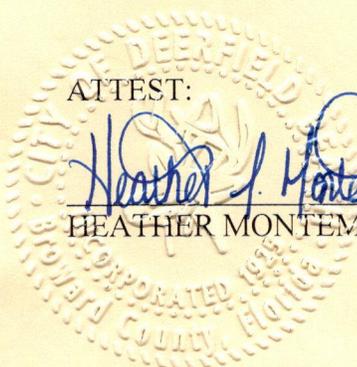


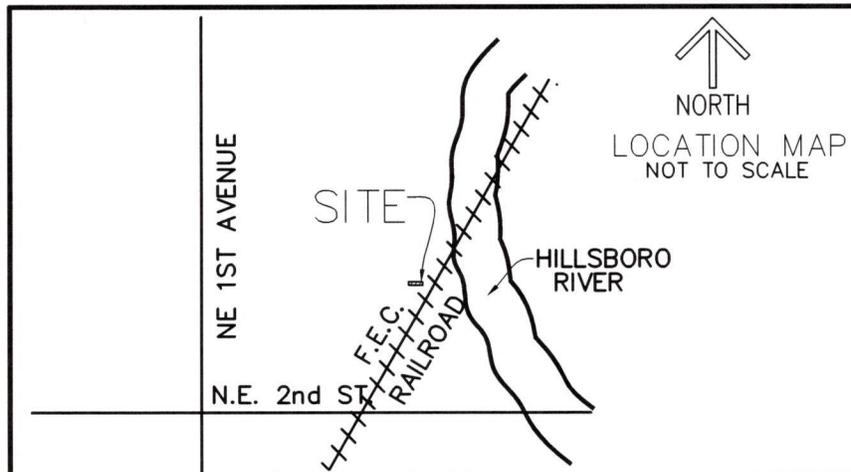
BILL GANZ, MAYOR

ATTEST:



HEATHER MONTEMAJOR, CITY CLERK





NOTES

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN ORIGINAL SURVEYOR'S SEAL.
2. SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR.
3. LANDS SHOWN HEREON ARE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
4. BEARINGS SHOWN HEREON ARE RELATIVE TO A GRID BEARING OF SOUTH 39°59'30" WEST ALONG THE EAST LINE OF LOT 13, COSDEN AND BRACKNELL'S ADDITION TO DEERFIELD BEACH, PLAT BOOK 6, PAGE 9, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTMENT).
5. THE "DESCRIPTION" SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
6. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
7. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENT OF RECORD AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.

DESCRIPTION

BEING ALL OF THAT CERTAIN ROAD AND MAINTENANCE EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 5631, PAGE 855, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING IN LOT 13, COSDEN AND BRECKNE;;'S ADDITION TO DEERFIELD BEACH, PLAT BOOK 6, PAGE 9 PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 13, RUN THENCE SOUTH 35°59'30" WEST ALONG THE EAST LINE OF SAID LOT 13, A DISTANCE OF 15.00 FEET; THENCE NORTH 58°11'44" WEST (DEPARTING FROM SAID EAST LINE), A DISTANCE OF 130.64 FEET TO THE NORTHWEST CORNER OF SAID LOT 13; THENCE SOUTH 64°40'28" EAST ALONG THE NORTH LINE OF SAID LOT 13, A DISTANCE OF 132.58 FET TO THE POINT OF BEGINNING.

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SHEET 1 OF 2

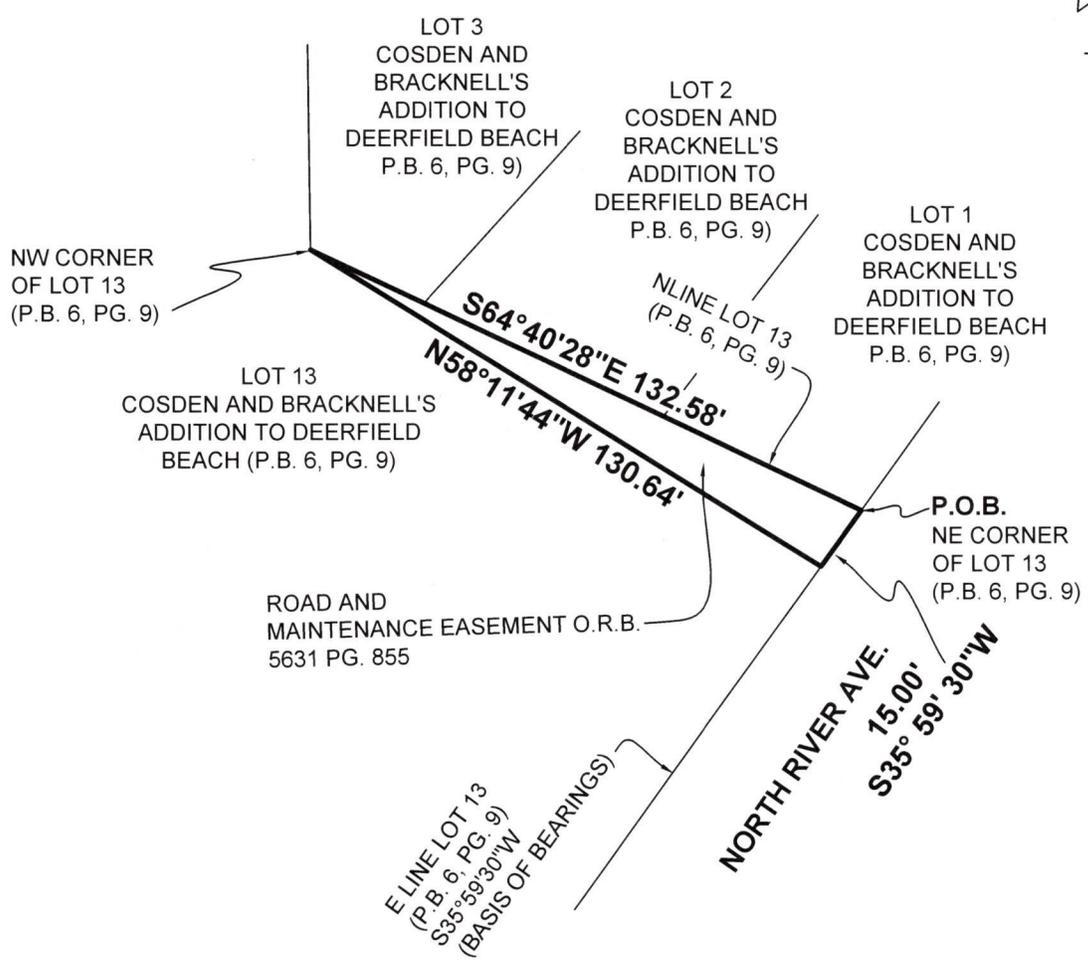
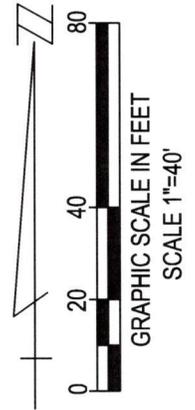
CAULFIELD & WHEELER, INC.
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE - SURVEYING
 7900 GLADES ROAD - SUITE 100
 BOCA RATON, FLORIDA 33434
 PHONE (561)-392-1991 / FAX (561)-750-1452



DAVID P. LINDLEY
 REGISTERED LAND
 SURVEYOR NO. 5005
 STATE OF FLORIDA
 L.B. 3591

DATE	MAR 2022
DRAWN BY	TMS
F.B./ PG.	N/A
SCALE	N/A
JOB NO.	7954-3

EXHIBIT A
UTILITY EASEMENT ABANDONMENT
SKETCH OF LEGAL DESCRIPTION



LEGEND

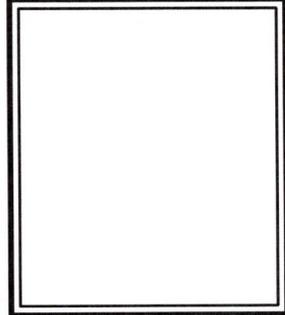
- PG. - PAGE
- P.B. - PLAT BOOK
- P.O.B. - POINT OF BEGINNING
- R/W - RIGHT-OF-WAY
- O.R.B. - OFFICIAL RECORDS BOOK

THIS IS NOT A SURVEY

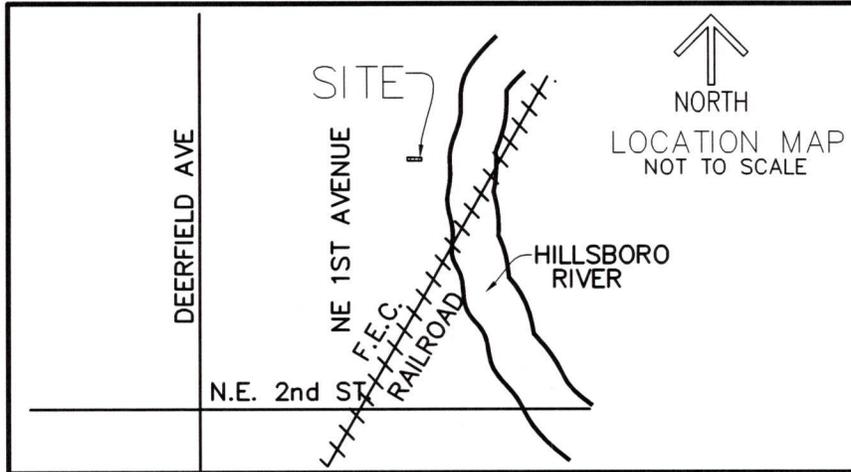
SHEET 2 OF 2

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SCALE	AS SHOWN
JOB NO.	7954



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4. BEARINGS SHOWN HEREON ARE RELATIVE TO A GRID BEARING OF NORTH 88°36'10" EAST ALONG THE NORTH LINE OF PARCEL B, PENNEL FAMILY PLAT, PLAT BOOK 160, PAGE 23, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTMENT).
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COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL B, RUN THENCE SOUTH 88°36'10" WEST ALONG THE NORTH LINE OF SAID PARCEL B, A DISTANCE OF 10.00 FEET; THENCE SOUTH 00°42'14" EAST (DEPARTING FROM SAID NORTH LINE), A DISTANCE OF 2.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°42'14" EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 88°36'10" WEST, A DISTANCE OF 185.01 FEET; THENCE NORTH 00°42'14" WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH 88°36'10" EAST, A DISTANCE OF 185.01 FEET TO THE POINT OF BEGINNING.

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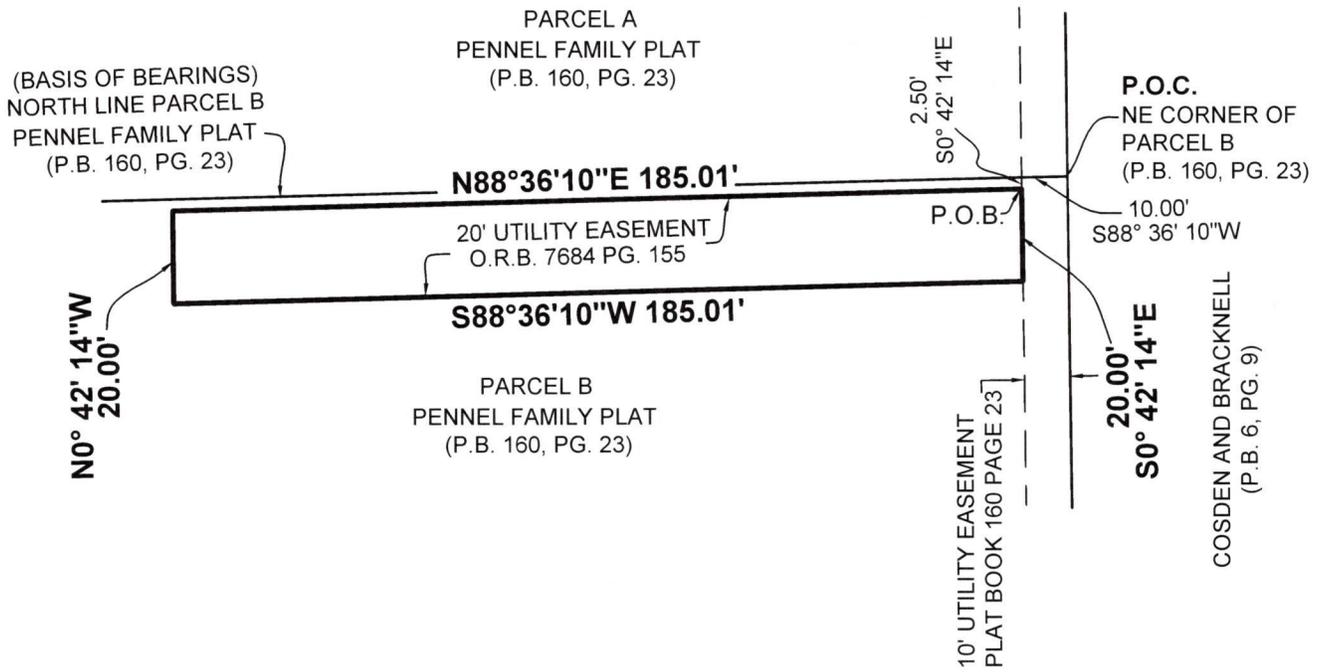
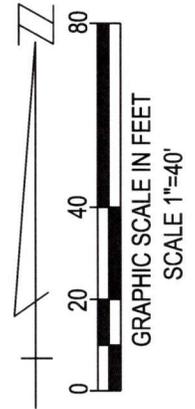
SHEET 1 OF 2

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SCALE	N/A
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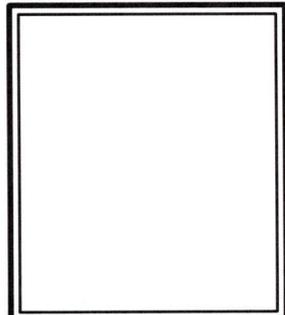
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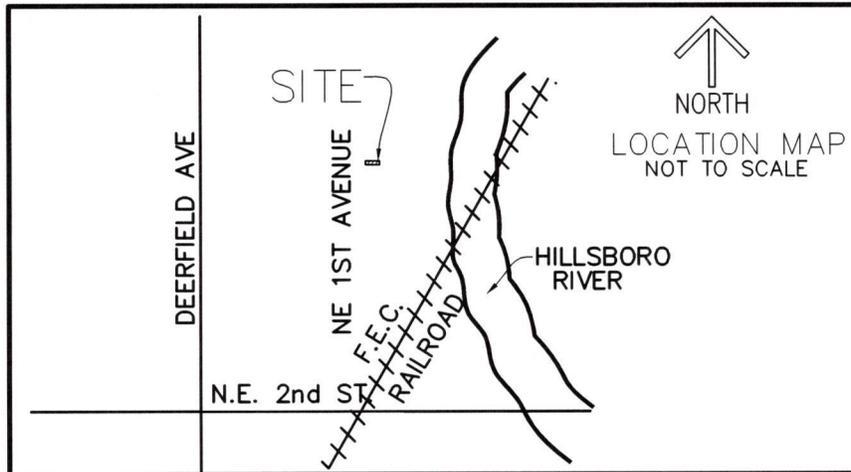
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CAUFVIST2 SK13.DWG

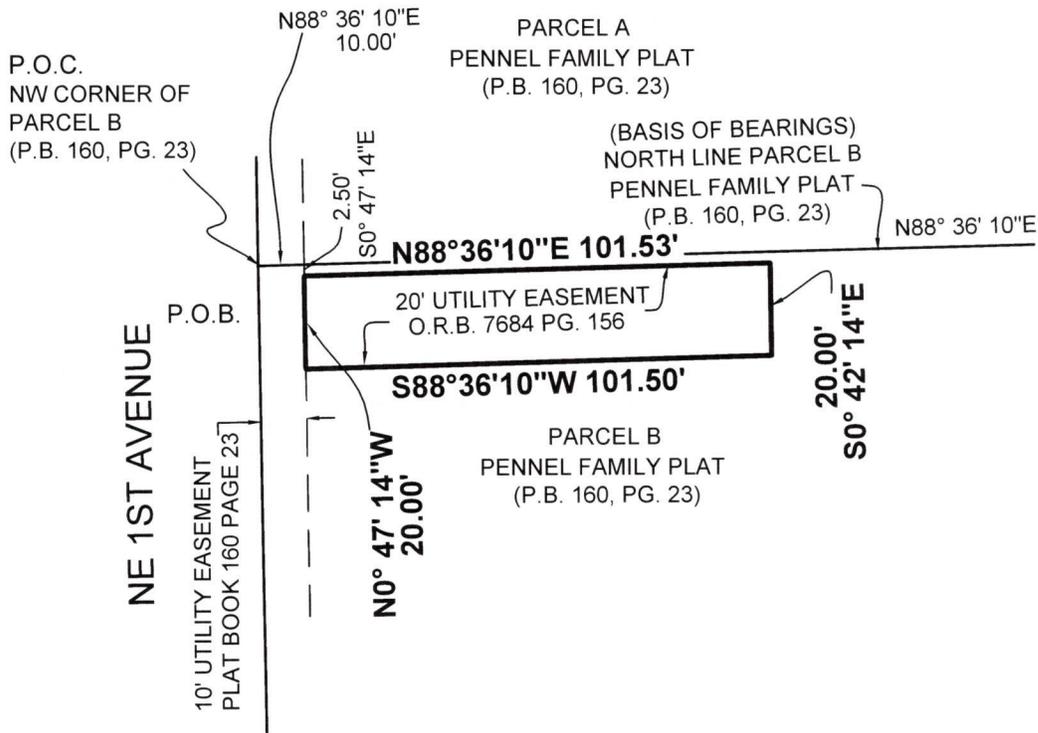
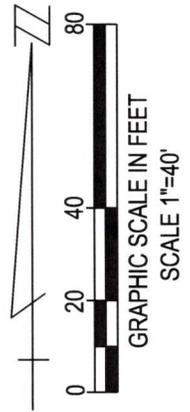
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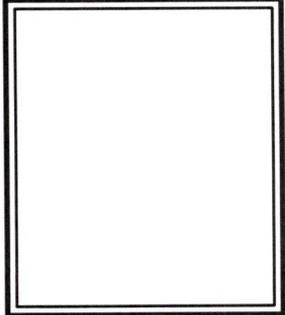
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