

July 26, 2010

MEMO TO: Keith M. Poliakoff, Town Attorney
FROM: Debra Dore-Thomas, CMC, Town Clerk
SUBJECT: ORDINANCE NO. 2010-09 "NECUZE" VACATION

The attached document must be recorded with Broward County.
Your firm normally sends an electronic version of the recorded
document. Thank you.

File Copy of Memo.

ORDINANCE NO. 2010-09

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, VACATING, CLOSING AND ABANDONING THAT FIFTY (50) FOOT WIDE, AND APPROXIMATELY THREE-HUNDRED AND TWENTY-FIVE (325) FOOT LONG PORTION OF AN UNUSED AND UNIMPROVED INGRESS/EGRESS EASEMENT (SW 50TH MANOR) CONSISTING OF 0.3847 ACRES LOCATED EAST OF SW 198TH TERRACE AND WEST OF SOUTH BROWARD DRAINAGE DISTRICT CANAL #13, AS RECORDED IN OFFICIAL RECORDS BOOK 12670, PAGE 514 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, ALSO BEING A PORTION OF LOTS 10 AND 11 OF "198 TERRACE PLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 128, PAGE 26 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AS MORE PARTICULARLY DESCRIBED ON THE ATTACHED SKETCH AND LEGAL, INCORPORATED HEREIN BY REFERENCE, AS EXHIBIT "A"; AUTHORIZING THE PREPARATION AND EXECUTION OF THE EFFECTING DOCUMENTS; PROVIDING INSTRUCTIONS TO THE TOWN CLERK; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant seeks to vacate a fifty (50) foot wide, and approximately three-hundred and twenty-five (325) foot long portion of an unused and unimproved ingress/egress easement (SW 50th Manor), consisting of .3847 acres located east of SW 198th Terrace and west of South Broward Drainage District Canal #13, as delineated in Exhibit "A"; and

WHEREAS, the location of the fifty (50) foot unimproved right-of-way is legally described as:

A PORTION OF LOTS 10 AND 11 OF "198 TERRACE PLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 128, PAGE 26 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, ALSO BEING A PORTION OF THE INGRESS/EGRESS EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 12670, PAGE 514 OF SAID PUBLIC RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 10; THENCE NORTH 00°10'46" WEST ON THE EAST LINE OF SAID LOT 10 FOR 25.00 FEET TO THE INTERSECTION WITH A LINE 25.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 10; THENCE SOUTH 89°52'29" WEST ON SAID PARALLEL LINE 297.71 FEET; THENCE NORTH 45°09'20" WEST 35.34 FEET TO THE INTERSECTION WITH A LINE 25.00 FEET EASTERLY OF AND PARALLEL WITH THE WEST LINE OF SAID LOTS 10 AND 11; THENCE SOUTH 00°11'10" EAST ON SAID PARALLEL LINE 100.00 FEET; THENCE NORTH 44°50'40" EAST 35.37 FEET TO THE INTERSECTION WITH A LINE 25.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 11; THENCE NORTH 89°52'29" EAST ON SAID PARALLEL LINE 297.65 FEET TO THE INTERSECTION WITH THE EAST LINE OF SAID LOT 11; THENCE NORTH 00°10'46" WEST ON SAID EAST LINE 25.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 16,759 SQUARE FEET, 0.3847 ACRES.

(the "Property") as more particularly described in Exhibit "A", attached hereto and incorporated herein by reference; and

WHEREAS, the subject easement runs between two lots both of which have joined in this application and both of which maintain access from SW 198th Terrace; and

WHEREAS, the vacation of the easement will not create any landlocked parcels as adjacent properties are similarly provided access from SW 198th Terrace, and the properties to the east are separated by a canal and maintain access via SW 196th Lane; and

WHEREAS, the Town's Engineer has advised that there are no plans for a bridge or for secondary access points for the properties to the east; and

WHEREAS, the subject easement is not being utilized for access, utilities, or for any other purpose; and

WHEREAS, area utility providers have submitted letters of no objection for the proposed vacation; and

WHEREAS, the Town Council finds that this easement does not serve a legitimate public purpose.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1: The above-referenced recitals are true and correct and are incorporated herein by reference. All exhibits referenced herein and attached hereto are hereby incorporated herein.

Section 2: It is hereby determined that the unused and unimproved fifty (50) foot wide, and approximately three-hundred and twenty-five (325) foot long, ingress/egress easement (SW 50th Manor), consisting of .3847 acres located east of SW 198th Terrace and west of South Broward Drainage District Canal #13, as delineated in Exhibit "A", is no longer useful or needed, and it is in the public interest that it be abandoned and vacated, and that it be released from any and every public right, use, title and interest, except as hereinafter provided. The Property is hereby vacated and abandoned, and the Property is hereby released and discharged of any and every public right, use, title and interest of the Town of Southwest Ranches.

Section 3: The Town Council and the Town of Southwest Ranches, Florida, hereby authorizes the vacation of Easement Area as specifically delineated on the attached sketch and description attached hereto as Exhibit "A".

Section 4: The Town Attorney is hereby authorized to prepare any and all documents necessary to effectuate the intent of this Ordinance and the appropriate Town officials are hereby authorized to execute said documents.

Section 5: The Town Clerk is hereby directed to record a copy of this Ordinance in the Public Records of Broward County, Florida.

Section 6: Pursuant to the applicant's stipulation, this Ordinance is contingent upon the affected parcels being brought into compliance with the Town's Code. In the event that the affected parcels are not brought into compliance with the Town's Code within six (6) months from the Effective Date, this Ordinance shall be brought back before the Council to be declared null and void.

Section 7: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 8: Severability. If any word, phrase, clause, sentence or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 9: Effective Date. This Ordinance shall be effective immediately upon its adoption.

PASSED ON FIRST READING this 4th day of June, 2009 on a motion made by Council Member Knight and seconded by Council Member McKay.

PASSED ON SECOND READING this 17th day of June, 2010 on a motion made by Council Member McKay and a second by Council Member Breitkreuz.

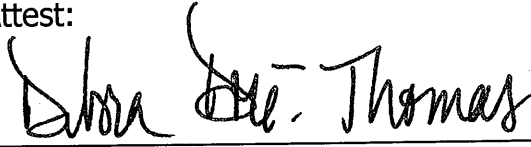
Nelson	<u>AYE</u>
Knight	<u>AYE</u>
Breitkreuz	<u>AYE</u>
Fiskelli	<u>AYE</u>
McKay	<u>AYE</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>



Jeff Nelson, Mayor

Attest:



Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, Town Attorney

FTL_DB: 1191944_1

VACATION APPLICATION VC-020-09
NECUZE VACATION

EXHIBIT A:
SKETCH & LEGAL DESCRIPTION



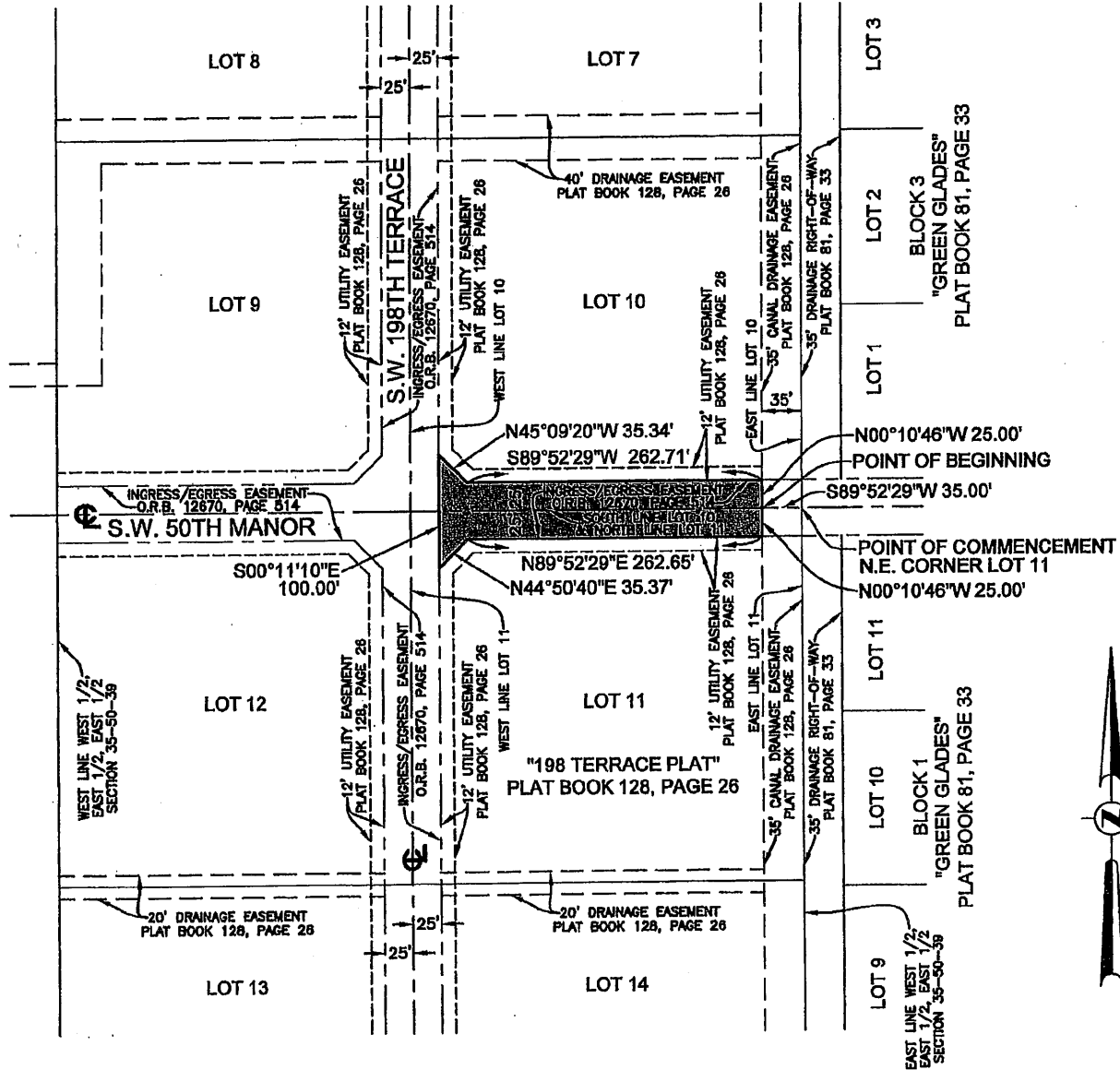
SKETCH AND LEGAL DESCRIPTION

BY
PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



FILE: GERARDO NECUZE

SCALE: 1"=150'

ORDER NO.: 52113-3

DATE: 12/30/08

INGRESS/EGRESS EASEMENT TO BE VACATED

SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA

FOR: GERARDO NECUZE

SHEET 1 OF 2

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2

JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691

BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
STATE OF FLORIDA



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BY

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E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870




LEGAL DESCRIPTION: OVERALL INGRESS/EGRESS EASEMENT TO BE VACATED

A PORTION OF LOTS 10 AND 11 OF "198 TERRACE PLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 128, PAGE 26 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, ALSO BEING A PORTION OF THE INGRESS/EGRESS EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 12670, PAGE 514 OF SAID PUBLIC RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 11; THENCE SOUTH 89°52'29" WEST ON THE NORTH LINE OF SAID LOT 11 FOR 35.00 FEET TO THE INTERSECTION WITH A LINE 35.00 FEET WESTERLY OF AND PARALLEL WITH THE EAST LINE OF SAID LOTS 10 AND 11 AND THE POINT OF BEGINNING; THENCE NORTH 00°10'46" WEST ON SAID PARALLEL LINE 25.00 FEET TO THE INTERSECTION WITH A LINE 25.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 10; THENCE SOUTH 89°52'29" WEST ON SAID PARALLEL LINE 262.71 FEET; THENCE NORTH 45°09'20" WEST 35.34 FEET TO THE INTERSECTION WITH A LINE 25.00 FEET EASTERLY OF AND PARALLEL WITH THE WEST LINE OF SAID LOTS 10 AND 11; THENCE SOUTH 00°11'10" EAST ON SAID PARALLEL LINE 100.00 FEET; THENCE NORTH 44°50'40" EAST 35.37 FEET TO THE INTERSECTION WITH A LINE 25.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 11; THENCE NORTH 89°52'29" EAST ON SAID PARALLEL LINE 262.65 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED LINE 35.00 FEET WESTERLY OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 11; THENCE NORTH 00°10'46" WEST ON SAID PARALLEL LINE 25.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 15,009 SQUARE FEET, 0.3446 ACRES.

NOTES:

- 1) BEARINGS ARE BASED ON THE NORTH LINE OF LOT 11 BEING S89°52'29"W.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 4) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.
- 5)  DENOTES: CENTERLINE.

FILE: GERARDO NECUZE

SCALE: N/A

ORDER NO.: 52113-3

DATE: 12/30/08

INGRESS/EGRESS EASEMENT TO BE VACATED

SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA

FOR: GERARDO NECUZE

SHEET 2 OF 2

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2