

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE ABANDONING THAT CERTAIN PORTION OF THE RIGHT-OF-WAY AND ADJACENT UTILITY EASEMENT FOR NW 10TH STREET LYING IMMEDIATELY EAST OF BLANCHE ELY AVENUE (NW 6TH AVENUE); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, fifteen (15) days' notice has been given by publication in a paper of general circulation in the City notifying the public of this proposed Ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; and

WHEREAS, the City Commission has received a request for the abandonment of that certain portion of the right-of-way and adjacent utility easement for NW 10th Street lying immediately east of Blanche Ely Avenue (NW 6th Avenue); and

WHEREAS, the Planning and Zoning Board has made its recommendation upon said request; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. It is hereby found and determined by the City Commission that the public health, welfare, safety and necessity no longer require retention of any interest by the public in that certain right-of-way and utility easement as more fully described below.

SECTION 2. It is hereby further found and determined that abandonment and vacation of that certain right-of-way and utility easement will not have a detrimental effect upon the surrounding property or area.

SECTION 3. That the City of Pompano Beach does hereby abandon and vacate the following described right-of-way and utility easement:

See Composite Exhibit “A” attached hereto and made a part hereof.

SECTION 4. That the City Clerk is hereby instructed to record this Ordinance in the Public Records of Broward County, Florida.

SECTION 5. The City of Pompano Beach reserves for its own purposes, and for the purposes of all recognized public utility companies offering public utility services in the City to its customers including, but not limited to, Florida Power Light Company, Southern Bell, Peoples Gas System, and Continental Cablevision, the reservation of easements forever for the construction, operation and maintenance of overhead and underground electric facilities (including wires, poles, guys, cables, conduits, buried cables, cable terminals, markers, splicing boxes and pedestals, manholes, amplifier boxes, pipes, gas transmission lines, water and sewer lines and all appurtenant devices and equipment) to be installed from time to time; with the right to construct, reconstruct, improve, add to, enlarge, change the voltage, change pressure, as well as the size of, and to remove such facilities or any of them, together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easements and to operate the same for communication purposes, the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and obstructions within the easement areas; the right to trim and cut and keep trimmed and cut, all dead, weak, leaning or dangerous trees or limbs outside of the

easement areas which might interfere with or fall upon the lines of systems of communication or power or telephone or gas transmission or distribution; and further reserves to the fullest extent, the right and power to grant, if at all, the rights herein granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property. The easements are described on Composite Exhibit "B" attached hereto and incorporated herein by reference as if set forth in full.

SECTION 6. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 7. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 26th day of April, 2005.

PASSED SECOND READING this 10th day of May, 2005.



JOHN C. RAYSON, MAYOR

ATTEST:

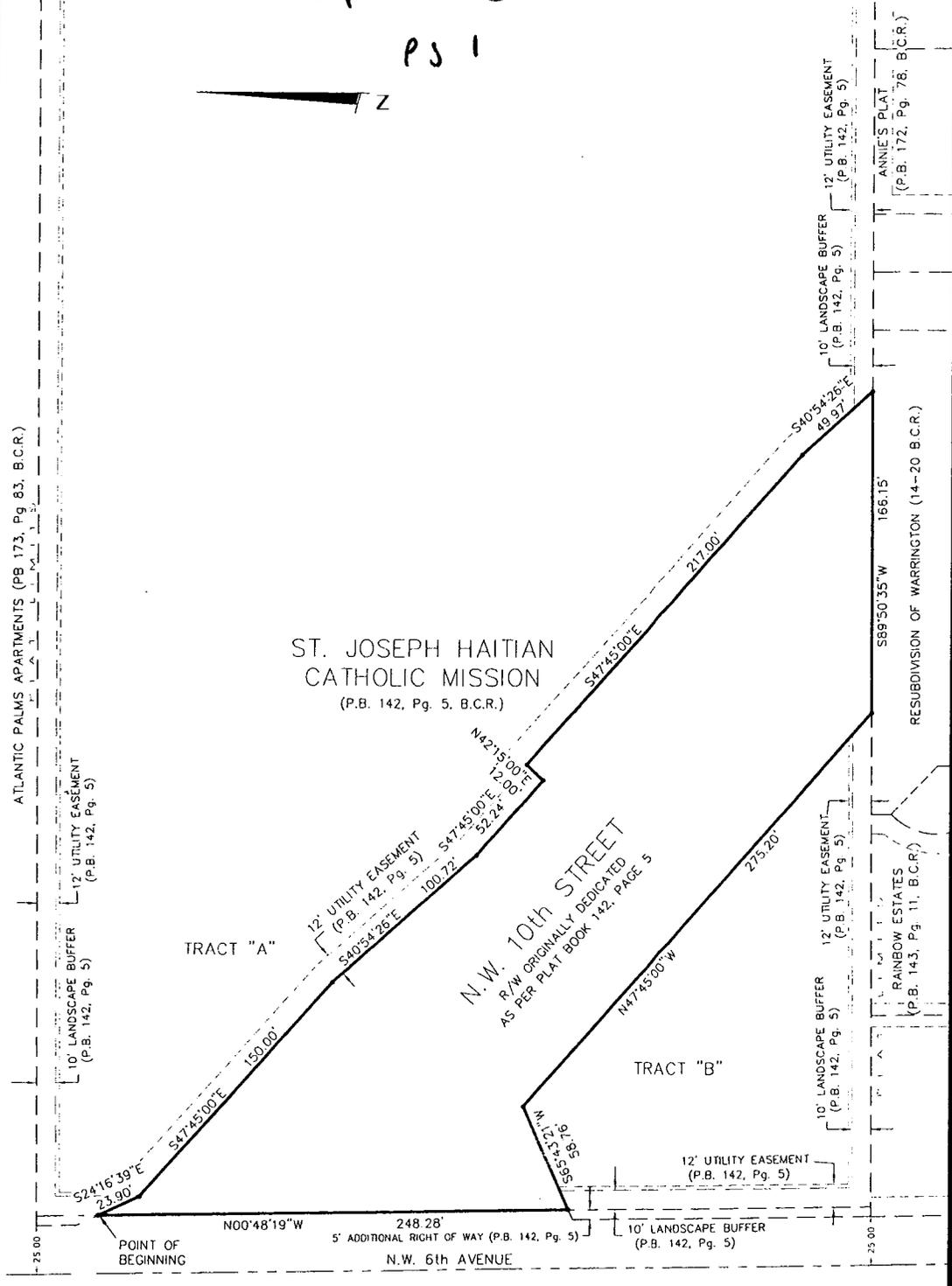
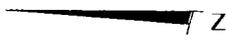


MARY L. CHAMBERS, CITY CLERK

GBL/jrm
2/25/05
l:ord/2005-129

Composite Exhibit A

PS 1



TITLE:
**ROAD RIGHT-OF-WAY
 SKETCH AND LEGAL DESCRIPTION**

CLIENT:
**ST. JOSEPH HAITIAN CATHOLIC MISSION
 FOR ARCHDIOCESES OF MIAMI**

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

[Signature]
 DONALD P. PROUD, PSM
 FLORIDA REG. NO. LS4037

Ralph D. Demuzzio & Associates, Inc.
 Consulting Engineers, Planners, Surveyors
 6100 Boulevard of Champions
 North Lauderdale, Florida 33068
 LB NO. 0003444
 (954) 969-5100 FAX (954) 969-9680

JOB NO.	89103-2
DRAWN BY:	BP
FIELD BOOK	N/A
DATE:	2-7-03
SCALE:	N
SHEET NO.	1 OF 2



PZ22-1200016
 7/6/2022

Composite Exhibit

PS 2

LEGAL DESCRIPTION

THE ROAD RIGHT-OF-WAY LINE OF NORTHWEST TENTH STREET AS SHOWN ON "THE ST. JOSEPH HAITIAN CATHOLIC MISSION PLAT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 142, PAGE 5, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF NORTHWEST SIXTH AVENUE AND THE WEST BOUNDARY LINE OF TRACT "A" AS SHOWN ON SAID PLAT;

THENCE S24°16'39"E, 23.90 FEET; THENCE S47°45'00"E, 150.00 FEET; THENCE S40°54'26"E, 100.72 FEET; THENCE S47°45'00"E, 52.24 FEET; THENCE N42°15'00"E, 12.00 FEET; THENCE S47°45'00"E, 217.00 FEET; THENCE S40°54'26"E, 49.97 FEET; THENCE S89°50'35"W, 166.15 FEET; THENCE N47°45'00"W, 275.20 FEET; THENCE S65°43'21"W, 58.76 FEET; THENCE N00°48'19"W 248.28 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, AND CONTAINING 55,961 SQ. FT. (1.28 ACRES), MORE OR LESS.

GENERAL NOTES:

- 1: THE UNDERSIGNED SURVEYOR HAS NOT BEEN PROVIDED A CURRENT TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY, IT IS POSSIBLE THAT THERE ARE DOCUMENTS OF RECORD UNRECORDED DEEDS, EASEMENTS OR OTHER INSTRUMENTS THAT COULD AFFECT THE BOUNDARIES TO THE SUBJECT PROPERTY.
- 2: THIS SURVEY IS BASED UPON THE LEGAL DESCRIPTIONS FURNISHED BY THE CLIENT.
- 3: MEASUREMENTS SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF.
- 4: RALPH D. DENUZZIO & ASSOCIATES, INC. RESERVES THE RIGHT TO UTILIZE ANY AND ALL INFORMATION OBTAINED IN THE PREPARATION OF THIS SURVEY INCLUDING THIS MAP OF LAND SURVEY, FOR ANY OTHER PURPOSES.
- 5: DIMENSIONS SHOWN ARE TAKEN AT THE EXPOSED AREAS OF IMPROVEMENTS UNDERGROUND FOOTERS, FOUNDATIONS, UTILITIES OR OTHER SUBSURFACE STRUCTURES ARE NOT LOCATED FOR THE PURPOSE OF THIS SURVEY.
- 6: SOURCES OF INFORMATION USED IN PREPARATION OF THIS SURVEY ARE AS FOLLOWS:
 - A) RECORDED PLAT ENTITLED "ST. JOSEPH HAITIAN CATHOLIC MISSION", PLAT BOOK 142, PAGE 5, BROWARD COUNTY PUBLIC RECORDS.
 - B) CITY OF POMPANO BEACH MAP NO.106, DATED 8-2-71
- 7: THIS SURVEY MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE PERMISSION OF RALPH D. DENUZZIO & ASSOCIATES, INC.
- 8: THIS DRAWING IS NOT VALID UNLESS BEARING AN ORIGINAL SIGNATURE AND EMBOSSED LAND SURVEYORS SEAL.
- 9: BEARINGS ARE BASED ON THE WEST BOUNDARY OF SAID PROPERTY
- 10: THIS SURVEY COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS ESTABLISHED BY CHAPTER 61-G17-6 OF THE FLORIDA ADMINISTRATIVE CODE.

LEGEND

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 L = ARC LENGTH
 R/W = RIGHT OF WAY
 □ = SET CONCRETE MONUMENT
 ○ = SET IRON ROD
 ⊙ = SET NAIL AND CAP
 FCM = FOUND CONCRETE MONUMENT
 SIRM = SET IRON ROD NO.3444
 FIR = FOUND IRON ROD
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 (S) = SURVEY
 (D) = DEED
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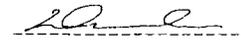
TITLE:

**ROAD RIGHT-OF-WAY
SKETCH AND LEGAL DESCRIPTION**

CLIENT:

**ST. JOSEPH HAITIAN CATHOLIC MISSION
FOR ARCHDIOCESES OF MIAMI**

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER


 DONALD P. PROUD, PSM
 FLORIDA REG. NO. LS4037

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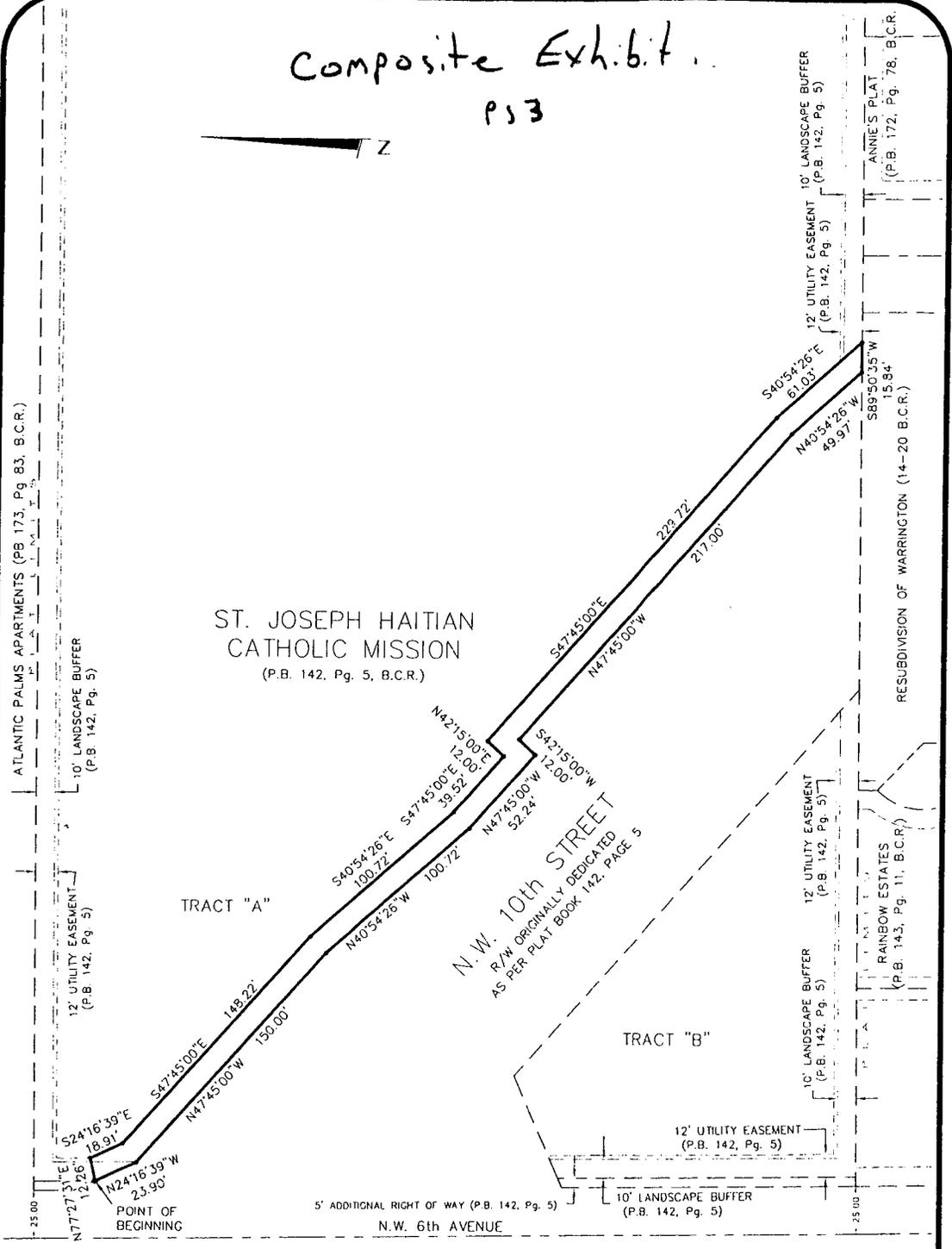
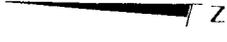
JOB NO. 89103-2
 DRAWN BY: BP
 FIELDBOOK N/A
 DATE: 2-1-00
 SCALE: NT
 SHEET NO. 2 OF 2

DRC

PZ22-12000016

7/6/2022

Composite Exhibit
P 53



TITLE: **PORTION OF AN EXISTING
12' UTILITY EASEMENT
SKETCH AND LEGAL DESCRIPTION**

CLIENT: **ST. JOSEPH HAITIAN CATHOLIC MISSION
FOR ARCHDIOCESE OF MIAMI**

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

[Signature]

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 (954) 969-5100 FAX (954) 969-9680

JOB NO.	89103-2
DRAWN BY:	BP
FIELDBOOK	/
DATE:	2-9-05
SCALE:	N
SHEET NO.	1 OF 2



LEGAL DESCRIPTION

A PORTION OF THE 12 FOOT WIDE UTILITY EASEMENT LYING WITHIN TRACT "A" AND ABUTTING THE ROAD RIGHT-OF-WAY OF NORTHWEST TENTH STREET AS SHOWN ON THE PLAT OF "ST. JOSEPH HAITIAN CATHOLIC MISSION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 142, PAGE 5, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF NORTHWEST SIXTH AVENUE AND THE WEST BOUNDARY LINE OF TRACT "A" AS SHOWN ON SAID PLAT;
 THENCE NORTH 77°27'31" EAST A DISTANCE OF 12.26 FEET;
 THENCE SOUTH 24°16'39" EAST A DISTANCE OF 18.91 FEET;
 THENCE SOUTH 47°45'00" EAST A DISTANCE OF 148.22 FEET;
 THENCE SOUTH 40°54'26" EAST A DISTANCE OF 100.72 FEET;
 THENCE SOUTH 47°45'00" EAST A DISTANCE OF 39.52 FEET;
 THENCE NORTH 42°15'00" EAST A DISTANCE OF 12.00 FEET;
 THENCE SOUTH 47°45'00" EAST A DISTANCE OF 229.72 FEET;
 THENCE SOUTH 40°54'26" EAST A DISTANCE OF 61.03 FEET TO A POINT ON THE SOUTH BOUNDARY LINE OF SAID PLAT;
 THENCE SOUTH 89°50'35" WEST ALONG SAID SOUTH BOUNDARY LINE A DISTANCE OF 15.84 FEET;
 THENCE NORTH 47°45'00" WEST A DISTANCE OF 217.00 FEET;
 THENCE SOUTH 42°15'00" WEST A DISTANCE OF 12.00 FEET;
 THENCE NORTH 47°45'00" WEST A DISTANCE OF 52.24 FEET;
 THENCE NORTH 40°54'26" WEST A DISTANCE OF 100.72 FEET;
 THENCE NORTH 47°45'00" WEST A DISTANCE OF 150.00 FEET;
 THENCE NORTH 24°16'39" WEST A DISTANCE OF 23.90 FEET TO THE POINT OF BEGINNING

SAID LANDS LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, AND CONTAINING 7,296 SQUARE FEET, MORE OR LESS.

GENERAL NOTES:

- 1: THE UNDERSIGNED SURVEYOR HAS NOT BEEN PROVIDED A CURRENT TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY, IT IS POSSIBLE THAT THERE ARE DOCUMENTS OF RECORD UNRECORDED DEEDS, EASEMENTS OR OTHER INSTRUMENTS THAT COULD AFFECT THE BOUNDARIES TO THE SUBJECT PROPERTY.
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- 9: BEARINGS ARE BASED ON THE WEST BOUNDARY OF SAID PROPERTY
- 10: THIS SURVEY COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS ESTABLISHED BY CHAPTER 61-G17-6 OF THE FLORIDA ADMINISTRATIVE CODE.

LEGEND

- R = RADIUS
- Δ = CENTRAL ANGLE
- L = ARC LENGTH
- R/W = RIGHT OF WAY
- ☐ = SET CONCRETE MONUMENT
- = SET IRON ROD
- ⊙ = SET NAIL AND CAP
- FCM = FOUND CONCRETE MONUMENT
- SIWM = SET IRON ROD NO.3444
- FIR = FOUND IRON ROD
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- (P) = PLAT
- (S) = SURVEY
- (D) = DEED
- (C) = CALCULATED
- PLS = PROFESSIONAL LAND SURVEYOR
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- PG = PAGE
- OR = OFFICIAL RECORDS
- SCM = SET CONCRETE MONUMENT
- CL = CENTERLINE
- EOP = EDGE OF PAVEMENT

TITLE: **PORTION OF AN EXISTING
12' UTILITY EASEMENT
SKETCH AND LEGAL DESCRIPTION**

CLIENT: **ST. JOSEPH HAITIAN CATHOLIC MISSION
FOR ARCHDIOCESES OF MIAMI**

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER


DONALD P. PROUD, PSM
FLORIDA REG. NO. LS4037

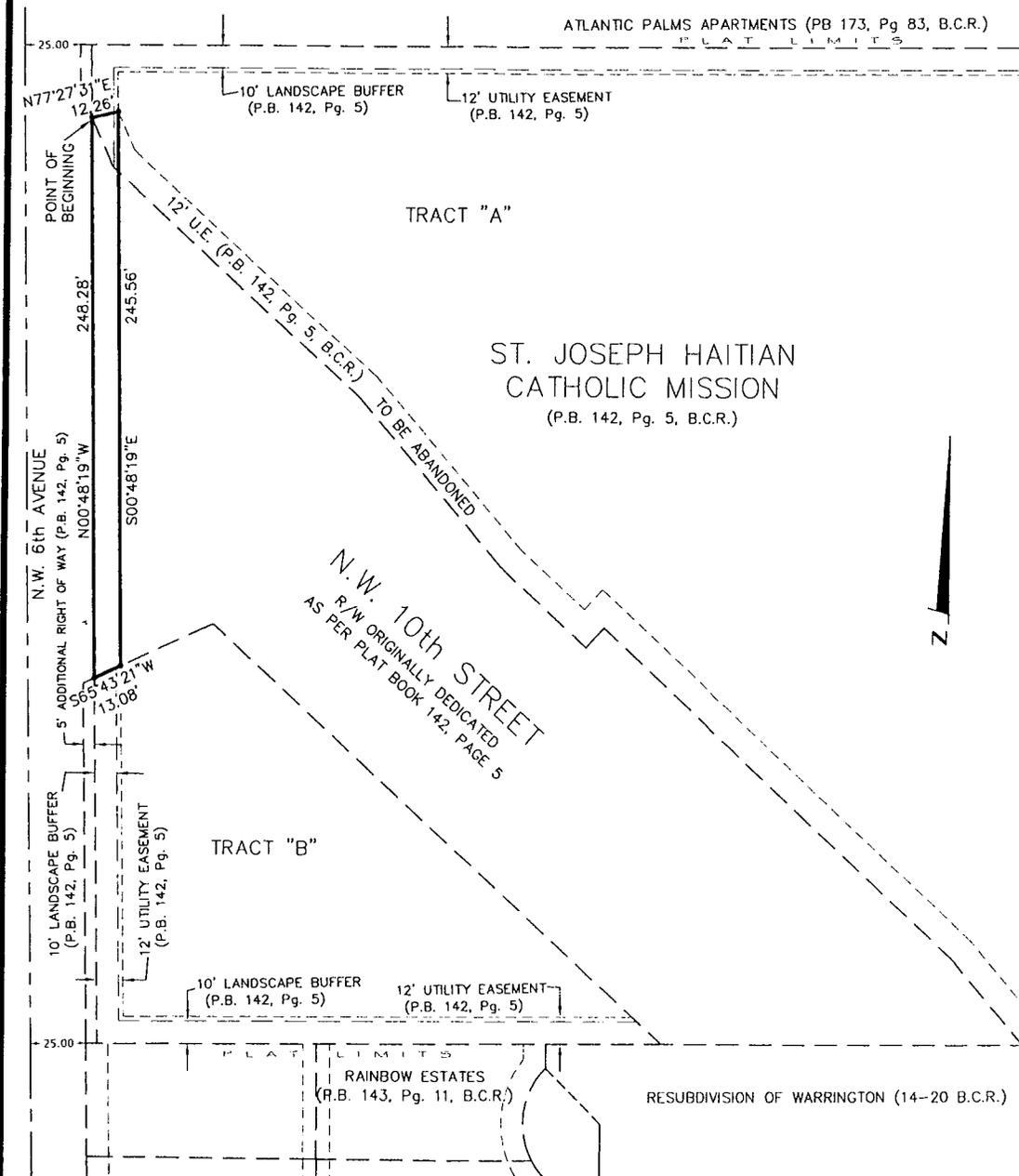
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 LB NO. 0003444
 (954) 969-5100 FAX (954) 969-9680

JOB NO. 89103-2
 DRAWN BY: BP
 FIELD BOOK /
 DATE: 2/
 SCALE: N
 SHEET NO. 2 OF 2



Composite Exhibit 3

PS 1



TITLE:
**12' UTILITY EASEMENT
SKETCH AND LEGAL DESCRIPTION**

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JOB NO.	89103-2
DRAWN BY	BP
FIELDBOOK	N/A
DATE	2-9-05
SCALE	NT
SHEET NO.	1 OF 2



PZ22-1200016
7/6/2022

Composite Exhib. B
PS 2

LEGAL DESCRIPTION

A 12 FOOT WIDE UTILITY EASEMENT LYING WITHIN TRACT "A" AND THE ABANDONED ROAD RIGHT-OF-WAY OF NORTHWEST TENTH STREET AS SHOWN ON THE PLAT OF "ST. JOSEPH HAITIAN CATHOLIC MISSION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 142, PAGE 5. OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF NORTHWEST SIXTH AVENUE AND THE WEST BOUNDARY LINE OF TRACT "A" AS SHOWN ON SAID PLAT;
THENCE NORTH 77°27'31" EAST A DISTANCE OF 12.26 FEET;
THENCE SOUTH 00°48'19" EAST A DISTANCE OF 245.56 FEET;
THENCE SOUTH 65°43'21" WEST ALONG THE SOUTH LINE OF SAID ABANDONED ROAD RIGHT-OF-WAY A DISTANCE OF 13.08 FEET;
THENCE NORTH 00°48'19" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHWEST SIXTH AVENUE DISTANCE OF 248.28 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, AND CONTAINING 2,963 SQ. FT. (0.07 ACRES) MORE OR LESS.

GENERAL NOTES:

- 1: THE UNDERSIGNED SURVEYOR HAS NOT BEEN PROVIDED A CURRENT TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY, IT IS POSSIBLE THAT THERE ARE DOCUMENTS OF RECORD UNRECORDED DEEDS, EASEMENTS OR OTHER INSTRUMENTS THAT COULD AFFECT THE BOUNDARIES TO THE SUBJECT PROPERTY.
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LEGEND

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- = SET IRON ROD
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- FCM = FOUND CONCRETE MONUMENT
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- FIR = FOUND IRON ROD
- PDB = POINT OF BEGINNING
- PDC = POINT OF COMMENCEMENT
- (P) = PLAT
- (S) = SURVEY
- (D) = DEED

TITLE:

**12' UTILITY EASEMENT
SKETCH AND LEGAL DESCRIPTION**

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

CLIENT:

**ST. JOSEPH HAITIAN CATHOLIC MISSION
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DONALD P. PROUD, PSM
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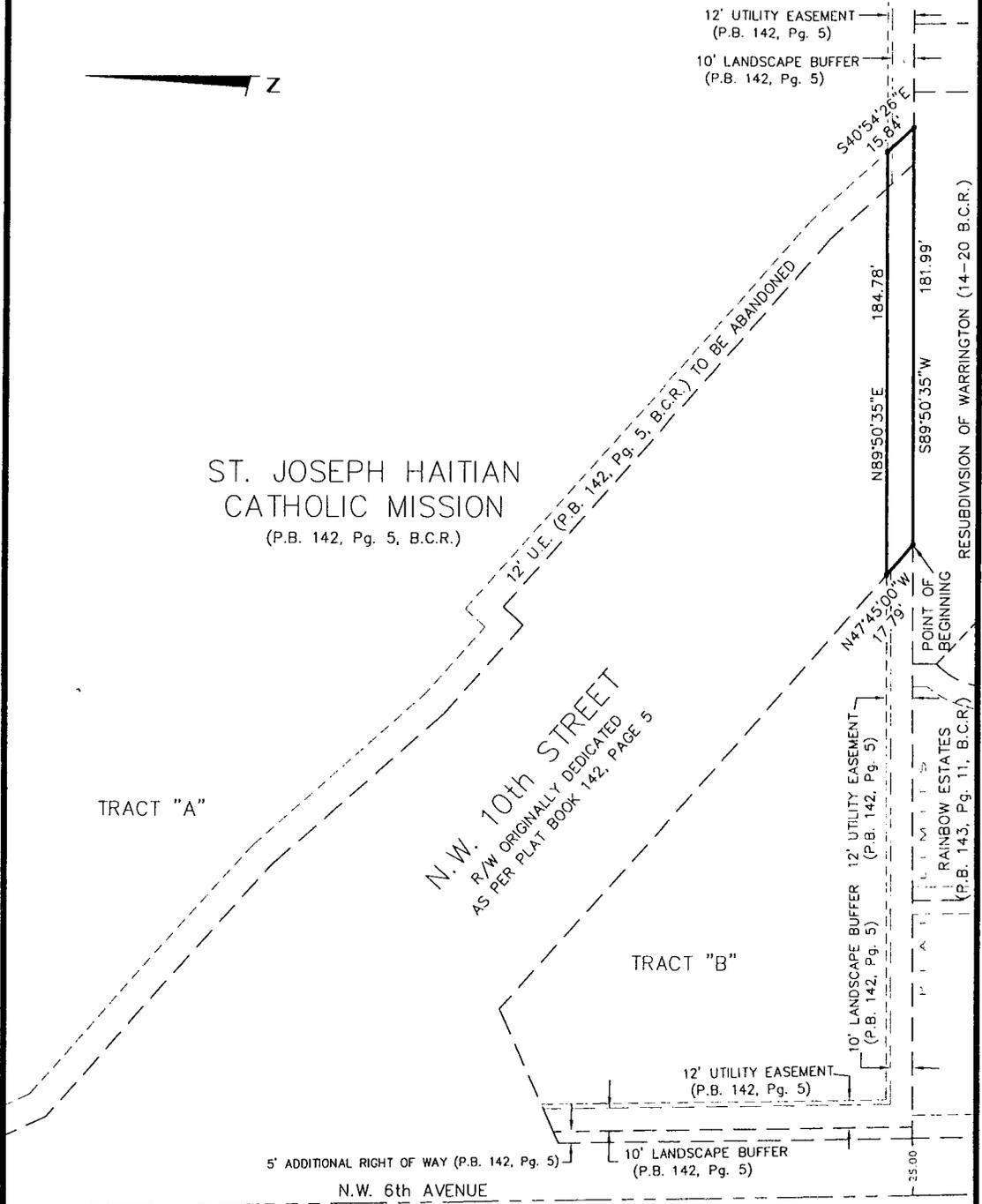
JOB NO.	89103-2
DRAWN BY:	BP
FIELDBOOK	N/A
DATE:	2/09/05
SCALE:	N/S
SHEET NO.	OF 2

DRC

PZ22-12000016

7/6/2022

Composite Exhibit
 pg 3



TITLE:
**12' UTILITY EASEMENT
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JOB NO. 89103-2
 DRAWN BY: BP
 FIELDBOOK N/A
 DATE: 8/27/22
 SCALE: 1"=50'
 SHEET NO. OF 2



PZ22-1200016
 7/6/2022

LEGAL DESCRIPTION

A 12 FOOT WIDE UTILITY EASEMENT WITHIN THE ABANDONED ROAD RIGHT-OF-WAY OF NORTHWEST TENTH STREET AND TRACT "A" AS SHOWN ON THE PLAT OF "ST. JOSEPH HAITIAN CATHOLIC MISSION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 142, PAGE 5, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA HERETOFOR REFERED TO AS "SAID PLAT" MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT "B"; THENCE NORTH 47°45'00" WEST A DISTANCE OF 17.79 FEET; THENCE NORTH 89°50'35" EAST ALONG A LINE 12 FEET NORTH OF AND PARALLEL TO THE SOUTH BOUNDARY LINE OF SAID PLAT A DISTANCE OF 184.78 FEET; THENCE SOUTH 40°54'26" EAST A DISTANCE OF 15.84 FEET TO THE SOUTH BOUNDARY LINE OF SAID PLAT; THENCE SOUTH 89°50'35" WEST ALONG SAID SOUTH BOUNDARY LINE A DISTANCE OF 181.99 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, AND CONTAINING 2,201 SQ. FT. (0.05 ACRES) MORE OR LESS.

GENERAL NOTES:

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(C) = CALCULATED
PLS = PROFESSIONAL LAND SURVEYOR
PRM = PERMANENT REFERENCE MONUMENT
PB = PLAT BOOK
PG = PAGE
OR = OFFICIAL RECORDS
SCH = SET CONCRETE MONUMENT
CL = CENTERLINE
EDP = EDGE OF PAVEMENT

TITLE: 12' UTILITY EASEMENT SKETCH AND LEGAL DESCRIPTION
CLIENT: ST. JOSEPH HAITIAN CATHOLIC MISSION FOR ARCHDIOCESES OF MIAMI

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Signature of Donald P. Prgub, PSM
DONALD P. PRGUB, PSM
FLORIDA REG. NO. LS4037

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Table with 2 columns: Field Name and Value. Includes JOB NO. (89103-2), DRAWN BY (BP), FIELD BOOK (N/A), DATE (2-19-05), SCALE (N/S), SHEET NO. (2 OF 2)

