

Sec. 13-36.2. - Procedures for acceptance or conveyance/vacation/abandonment of specific purpose easements.

- (a) Purposes and methods. The purpose of this section is to establish uniform procedures for applications requesting that the City acquire or convey a specific purpose easement; to designate the departments of the City which shall be responsible for processing such applications; and to provide the methods for acquiring or conveying the City's rights in real property that apply to all non-fee simple interests identified as specific purpose easements.
- (b) Exception for Applications for Plat Approval. Applications for plat approval, pursuant to section 13-164, "Preliminary plats," of Chapter 13, "Land Development Code, that create specific purpose easements are not subject to a concurrent application pursuant to this section.
- (c) Application form. All requests for acceptance or conveyance/vacation/abandonment of specific purpose easements shall be made in writing upon an application form that shall be furnished by the City.
- (d) Application fee. The application for acceptance or conveyance/vacation/abandonment pursuant to this section must be submitted by the owner of the affected property, and the application shall be accompanied by an applicable fee plus the estimated costs for recording real property records in the Official Records Books of Broward County. (See section 13-81, "Development application fees," and Section 13-88, "Engineering," for current fee.)
- (e) Procedures for applications.
  - (1) Upon receipt of an application pursuant to this section, together with fees therefore, the designated City department, designated based on the nature of the specific purpose easement, shall review same for completeness and for compliance with the requirements of this section. If the application is incomplete, the designated City department will forward a notice of incompleteness to the applicant specifying the data missing from the application received and return the fee collected. Upon the application being properly submitted, it shall be accepted for filing with the designated City department, which shall give a receipt to the applicant for the fee paid.
- (f) Action by City Commission. The City Commission shall consider the documentation and recommendations of the designated City department on the application, within ninety (90) days after receipt of same, and shall, after public hearing and due consideration, either accept, modify or deny the application in accordance with the best interests of the public welfare.
  - a. The City Commission shall adopt a resolution setting forth the City Commission's decision regarding an acceptance of any non-fee simple interest in real property that is identified as a specific purpose easement.
  - b. The City Commission shall adopt an ordinance setting forth the City Commission's decision regarding a conveyance/vacation/abandonment of

any non-fee simple interest in real property that is identified as a specific purpose easement.

(g) Notice by City Clerk. Upon City Commission approval of the application, the resolution for acceptance or ordinance for conveyance/vacation/abandonment, setting forth such approval and any conditions thereof, shall be certified by the City Clerk and forwarded to the applicant. The City Clerk shall record the resolution or ordinance, as applicable, along with the documents relating to the City's interest in real property in the public records of Broward County, Florida, and forward a copy to the designated City department that processed the application.