

Meeting Date: 1/10/12

Agenda Item 29
Memorandum No. 11-475

REQUESTED COMMISSION ACTION: **QUASI-JUDICIAL**

Consent Ordinance Resolution Consideration Workshop

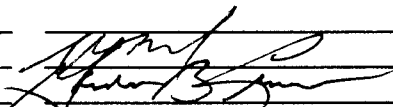
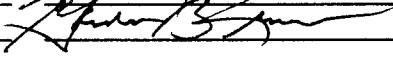
SHORT TITLE AN ORDINANCE ABANDONING A CERTAIN PORTION OF RIGHT-OF-WAY AT THE INTERSECTION OF SE 5TH AVENUE AND SE 13TH STREET.

Summary of Purpose and Why:

The Petitioner at 531 SE 13th Street is requesting abandonment of the 1,605 square feet of right-of-way formed by the intersection of SE 13th Street and SE 5th Avenue which creates a point of land contiguous to their residential lot. The Conditions of P&Z for approval have been met. The attached objection from the Fire Department is only relative to the lack of permit for the fence around the area to be abandoned which will be remedied as soon as the Applicant takes possession of the area to be abandoned. There are no utilities in the area to be abandoned so a utility easement is not being retained.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

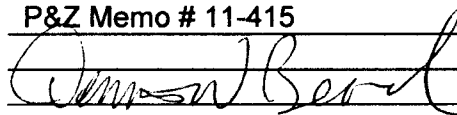
- (1) Origin of request for this action: Gillian Sayles
- (2) Primary staff contact: Jean E. Dolan / Robin M. Bird Ext. 5554
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
<u>Dev. Services</u>	<u>10/12/2011</u>	<u>Approval</u>	
<u>City Attorney</u>	<u>12/02/2011</u>	<u>Prepared Ordinance</u>	

Advisory Board

P&Z Memo # 11-415

City Manager



ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration	Workshop
1 st Reading <u>12/13/11</u>	1st Reading _____	Results: _____	Results: _____
<u>APPROVED</u>	_____	_____	_____
2 nd Reading <u>1/10/12</u>	_____	_____	_____

ORDINANCE NO. 2012-_____

CITY OF POMPANO BEACH
Broward County, Florida

**AN ORDINANCE ABANDONING A CERTAIN PORTION
OF THE RIGHT-OF-WAY AT THE INTERSECTION OF SE
5TH AVENUE AND SE 13TH STREET; 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 a portion of the right-of-way at the intersection of SE 5th Avenue and SE 13th Street; 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 portion of the right-of-way as more fully described below.

SECTION 2. It is hereby further found and determined that abandonment and vacation of that certain portion of the right-of-way 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:

See Attachment "A" attached hereto and incorporated herein as if set forth in full.

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

SECTION 5. 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 6. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2011.

PASSED SECOND READING this _____ day of _____, 2011.

LAMAR FISHER, MAYOR

ATTEST:

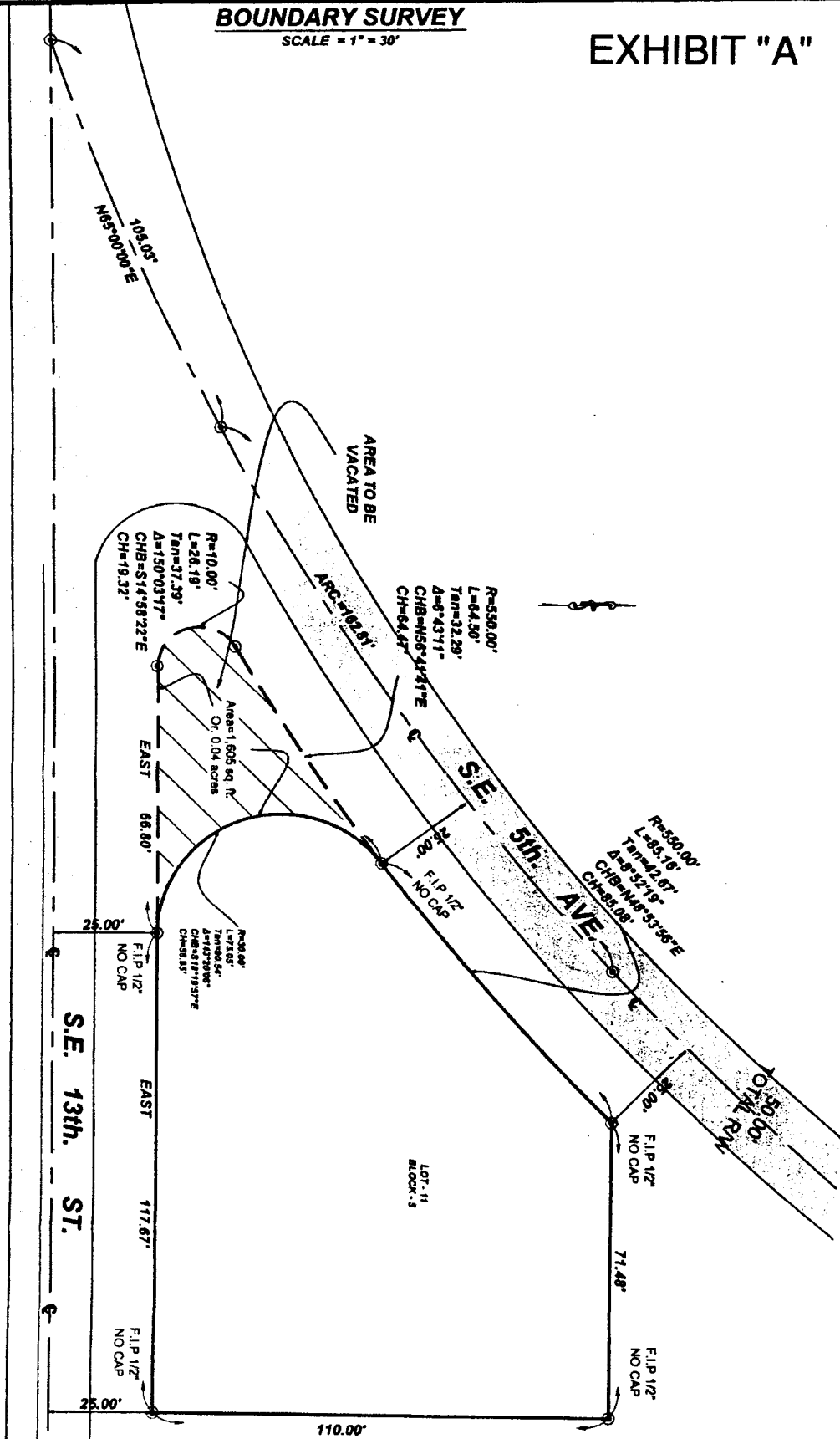
MARY L. CHAMBERS, CITY CLERK

GBL/jrm
11/10/11
L:ord/2012-59

BOUNDARY SURVEY

SCALE = 1" = 30'

EXHIBIT "A"



SURVEYOR'S NOTE:

- There may be Easements recorded in the Public Records not shown on this Survey.
- The purpose of this Survey is for use in obtaining Title Insurance and Financing and should not be used for Construction purposes.

EXHIBIT "A"

LEGAL DESCRIPTION

PURPOSE: TO VACATE A PORTION OF THE R/W BETWEEN SE 5TH AVE AND SE 13TH STREET. LEGAL TO COMMENCE AT THE SOUTHEAST CORNER OF LOT 11 IN BLOCK 5 OF "HIGH RIDGE ESTATES" SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK# 39 AT PAGE# 43 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA THENCE RUN WEST A DISTANCE OF 117.67 FT TO THE POINT OF BEGINNING, THENCE RUN WEST A DISTANCE OF 66.80 FT TO THE POINT OF COMMENCEMENT OF A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 10.00 FT AND A CENTRAL ANGLE OF 150 DEGREES 03'17", THENCE CONTINUE WESTERLY, NORTHERLY & NORTHEASTERLY ALONG THE CURVE AN ARC DISTANCE OF 26.19 FT TO A POINT OF A REVERSE CURVE CONCAVE TO THE NORTHWEST WITH A RADIUS OF 550.00 FEET AND A CENTRAL ANGLE OF 06 DEGREES 13'11", THENCE RUN NORTHEASTERLY ALONG THE REVERSE CURVE AN ARC DISTANCE OF 64.50 FT TO A POINT OF TERMINATION; THENCE RUN ALONG A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 30.00 FT, A CENTRAL ANGLE OF 143 DEGREES 20'06" FOR AN ARC DISTANCE OF 75.05 FT TO THE POINT OF BEGINNING. CONTAINING 1,605 SQ FT OR 0.04 ACRES NONE OR LESS.

MEMORANDUM

DATE: August 2, 2011
TO: Department of Development Services, Florida Power and Light Company, Code Enforcement, AT&T, Fire Department, TECO Peoples Gas Systems, Engineering Department, Comcast Communications, Public Works Department, Department of Transportation, Utilities Department
FROM: Pompano Beach Planning and Zoning Board
SUBJECT: ABANDONMENT - Right of Way - Intersection of S.E. 5th Avenue/S.E. 13th Street

Please be advised that the City of Pompano Beach has received a request from GILLIAN SAYLES to abandon that certain right of way located at the intersection of S.E. 5th Avenue/S.E. 13th Street also lying adjacent and west of Lot 11, Block 5, HIGH RIDGE ESTATES, according to the plat thereof as recorded in Plat Book 39, Page 42, of the public records of Broward County, Florida, as depicted on the attached location sketch.

We would appreciate your completing the appropriate portion of the response form as follows:

SECTION I:

DATE: 10/5/11

We have NO OBJECTIONS to this abandonment as requested.

Brent Taylor
Signature

Property Management Administrator
Print Name and Official Title

SECTION II:

DATE:

We have NO OBJECTIONS to this abandonment request subject to retention of the utility easement described on the attached page.

Signature

Print Name and Official Title

SECTION III:

DATE:

We OBJECT to this abandonment request for the following reasons:

[Blank lines for reasons]

Signature

Print Name and Official Title

NOTE: Please retain one copy of this memorandum form and the back-up material for your files and return the other signed memorandum form to this office. Your response within 30 days of this date would be greatly appreciated so we can begin processing this request before the Planning and Zoning Board and the City Commission.

Linda R. Hora, Advisory Board Secretary
City of Pompano Beach
P.O. Drawer 1300
Pompano Beach, Florida 33061
PHONE: (954) 786-4662

MEMORANDUM

DATE August 2, 2011
TO Department of Inspections Services, Florida Power and Light Company, Code Enforcement, AP&T, Fire Department, FUGO Federal Gas Systems, Engineering Department, Gasworks Gas mains, Public Works Department, Department of Transportation, Utilities Department
FROM Pompano Beach Planning and Zoning Board
SUBJECT ABANDONMENT - Right of Way - Intersection of S.E. 5th Avenue, S.O. 11th Street

Please be advised that the City of Pompano Beach has received a request from CHLILAN BASLES to abandon the certain right of way located at the intersection of S.E. 5th Avenue & S.O. 11th Street also known as known and used as Lot 11 - Block 5, MICHARDINI SUBDIVISION, according to the plat therefor recorded in Plat Book 29 - Page 47, of the public records at Broward County, Florida, as depicted in the attached location sheet.

We would appreciate your completing the appropriate portion of the response form as follows:

SECTION I:

DATE 12/2/11

We have NO OBJECTIONS to this abandonment as requested.

Handwritten signature of Martin Barrett

MARTIN BARRETT
Print Name and Official Title

ATT OSPE Specialist

SECTION II:

DATE:

We have NO OBJECTIONS to this abandonment request subject to retention of the utility easement described on the attached page.

Signature

Print Name and Official Title

SECTION III:

DATE:

We OBJECT to this abandonment request for the following reasons:

Blank lines for objections

Signature

Print Name and Official Title

NOTE: Please return one copy of this memorandum form and the location sheet if you have and return the other signed memorandum forms to this office. This response within 10 days of the date would be greatly appreciated in order to begin processing this request before the Planning and Zoning Board and the City Council meet.

Christa R. Mora, Advisory First Elected
City of Pompano Beach
P.O. Box 1500
Pompano Beach, Florida 33061
PHONE: (954) 782-4600

MEMORANDUM

DATE: August 2, 2011
TO: Department of Development Services, Florida Power and Light Company, Code Enforcement, AT&T, Fire Department, TECO Peoples Gas Systems, Engineering Department, Comcast Communications, Public Works Department, Department of Transportation, Utilities Department
FROM: Pompano Beach Planning and Zoning Board
SUBJECT: ABANDONMENT - Right of Way - Intersection of S.E. 5th Avenue/S.E. 13th Street

Please be advised that the City of Pompano Beach has received a request from GILLIAN SAYLES to abandon that certain right of way located at the intersection of S.E. 5th Avenue/S.E. 13th Street also lying adjacent and west of Lot 11, Block 5, HIGH RIDGE ESTATES, according to the plat thereof as recorded in Plat Book 39, Page 42, of the public records of Broward County, Florida, as depicted on the attached location sketch.

We would appreciate your completing the appropriate portion of the response form as follows:

SECTION I:

DATE: _____

We have NO OBJECTIONS to this abandonment as requested.

Signature

Print Name and Official Title

SECTION II:

DATE: _____

We have NO OBJECTIONS to this abandonment request subject to retention of the utility easement described on the attached page.

Signature

Print Name and Official Title

SECTION III:

DATE: 10/4/11

We OBJECT to this abandonment request for the following reasons:

Fence constructed on property without permits.

Signature

James Galloway Fire Inspector
Print Name and Official Title

NOTE: Please retain one copy of this memorandum form and the back-up material for your files and return the other signed memorandum form to this office. Your response within 30 days of this date would be greatly appreciated so we can begin processing this request before the Planning and Zoning Board and the City Commission.

Linda R. Hora, Advisory Board Secretary
City of Pompano Beach
P.O. Drawer 1300
Pompano Beach, Florida 33061
PHONE: (954) 786-4662

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY


MEMORANDUM #12-03

DATE: November 6, 2011
TO: City Commission
FROM: Planning and Zoning Board/Local Planning Agency
SUBJECT: ABANDONMENT REQUEST - Gillian Sayles

At the meeting of the Planning and Zoning Board/Local Planning Agency held on October 26, 2011, the Board considered the request submitted by **GILLIAN SAYLES** to abandon that certain right of way located at the intersection of S.E. 5th Avenue/S.E. 13th Street, also lying adjacent and west of Lot 11, Block 5, **HIGH RIDGE ESTATES**, according to the plat thereof as recorded in Plat Book 39, Page 42, of the public records of Broward County, Florida.

It is the unanimous recommendations of the Board that this right of way be abandoned, as requested, subject to the following conditions:

- 1) Applicant must receive "no objections" from all utility companies/interested parties or resolve any objections to this abandonment prior to submittal for City Commission approval.
- 2) This recommendation expires one year from the date of this approval if all objections are not resolved.



JIM BEESON
Chairman
Planning and Zoning Board/Local Planning Agency

lrh

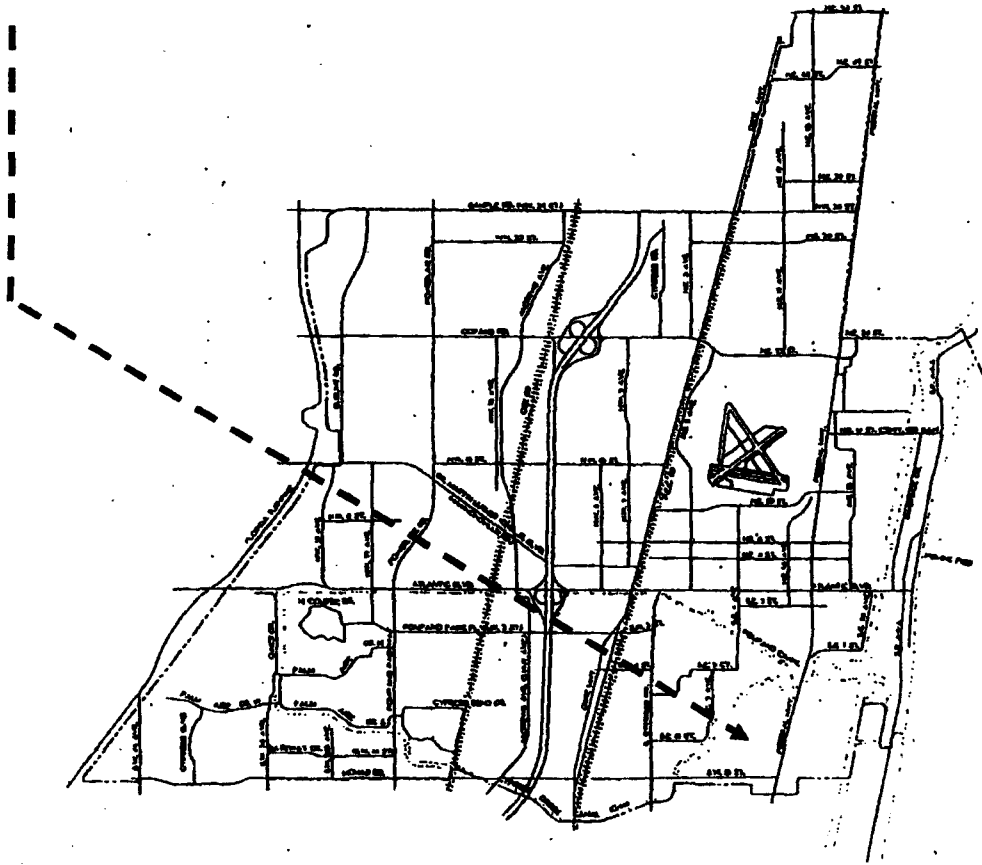


**CITY OF POMPANO BEACH
DEPARTMENT OF DEVELOPMENT SERVICES
ADMINISTRATIVE REPORT NO. 11-415**

DATE: October 12, 2011
TO: Planning & Zoning Board
VIA: Robin M. Bird, Development Services Director *RB*
FROM: Jean E. Dolan, AICP, Principal Planner *JD*
RE: Request for Right-of-Way Abandonment
531 SE 13th Street @ intersection with SE 5th Avenue
Highland Ridge Estates, Block 1, Lot 11 (P & Z # 11-1800004)

The Applicant is requesting a right-of-way abandonment of the triangular shaped parcel created by the intersection of SE 13th Street and SE 5th Avenue which is contiguous to Lot 11, Block 1 of the Highland Ridge Estates plat, also known as 531 SE 13th Street. The area to be abandoned is a 1,605 square foot parcel which the Applicant has fenced in and has been using as an extension of their yard. The property will continue to used it in this way post abandonment.

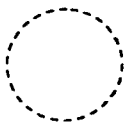
531 SE 13th Avenue



LEGEND

FOR LAND USE PLAN

<u>Symbol</u>	<u>Classification Units/ Acre</u>
	Gross Residential Density
	Residential
E	Estate
* > L	Low
LM	Low- Medium
M	Medium
MH	Medium-High
H	High
C	Commercial
CR	Commercial Recreation
I	Industrial
T	Transportation
U	Utilities
CF	Community Facilities
OR	Recreation & Open Space
W	Water
RAC	Regional Activity Center
	Boundaries
	City of Pompano Beach
	Number



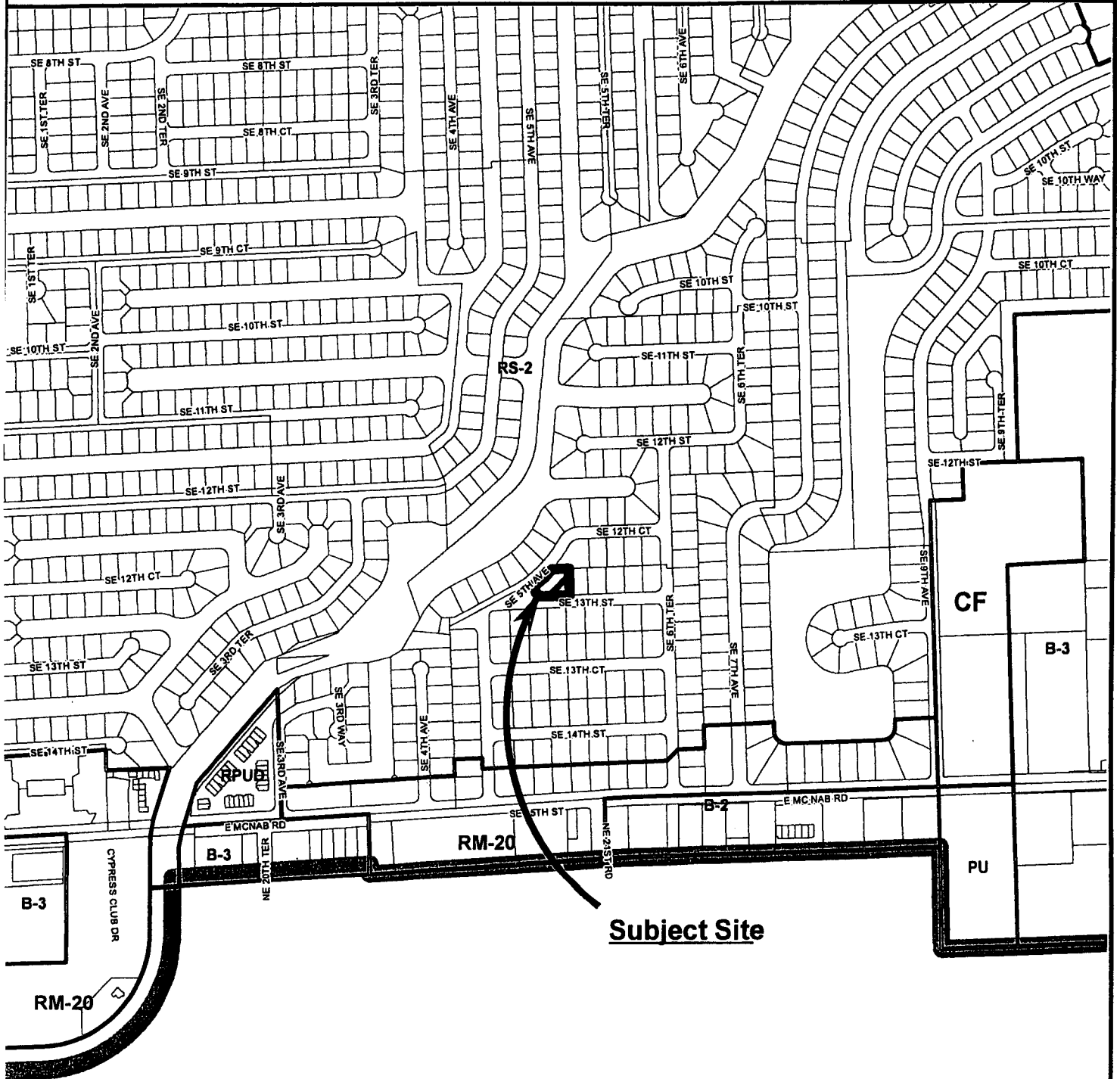
Reflects the maximum total number of units permitted within the dashed line of Palm Aire & Cypress Bend being 9,724 and 1,998

*	Existing
>	Proposed

FOR ZONING MAP

<u>Symbol</u>	<u>District</u>
RS-1	One-Family Residence
> † RS-2	One-Family Residence
RS-3	One-Family Residence
RS-4	One-Family Residence
RD-1	Two- Family Residence
RM-12	Multi-Family Residence
RM-20	Multi-Family Residence
RM-30	Multi-Family Residence
RM-45	Multi-Family Residence
RM-45/HR	Overlay
RPUD	Residential Planned Unit Dev.
AOD	Atlantic Boulevard Overlay District
MH-12	Mobile Home Park
B-1	Limited Business
B-2	Neighborhood Business
B-3	General Business
B-4	Heavy Business
RO	Residence Office
M-1	Marina Business
M-2	Marina Industrial
I-1	General Industrial
I-1X	Special Industrial
O-IP	Office Industrial Park
BP	Business Parking
BSC	Planned Shopping Center
PCI	Planned Commercial / Industrial Overlay
PR	Parks & Recreation
CR	Commerical Recreation
CF	Community Facilities
T	Transportation
PU	Public Utility

EXERPT FROM THE CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 inch = 600 feet



EXCERPT FROM THE BROWARD COUNTY PROPERTY APPRAISER
AERIAL MAP

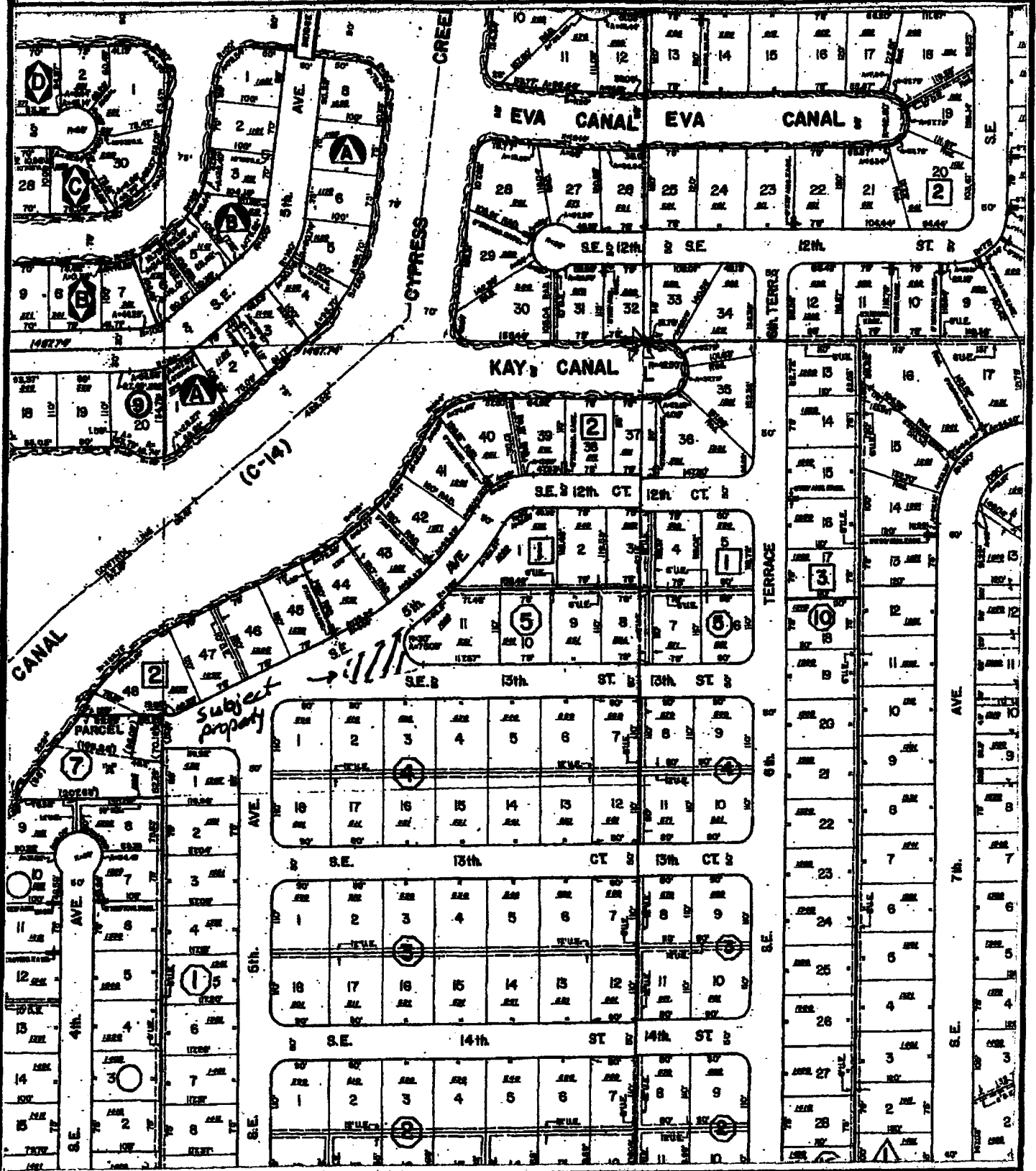


NTS

5

↑
NORTH

EXCERPT FROM THE CITY OF POMPANO BEACH PLAT MAP



SCALE: 1" = 200'

↑
NORTH

REVIEW AND SUMMARY

Zoning Department:	No Objection
Code Compliance	No Objection
Fire Department:	No Response at the time of this writing
Engineering Department:	No Objection
Public Works Department:	No Objection
Utilities Department:	No Objection
AT&T:	No Response at the time of this writing
TECO Gas:	No objection
Department of Transportation:	No Response at the time of this writing
FP&L:	No Objection
Comcast Cable:	No Objection

ZONING DEPARTMENT RECOMMENDATION

Given the information provided to the Board, staff provides the following alternative motions for the Board's review.

Alternative Motions

I- Approve with conditions

Recommend approval to the City Commission with the following conditions:

1. Applicant must receive "no objection" from all utility companies/ interested parties or resolve any objections to this abandonment prior to submittal for City Commission approval.
2. This recommendation expires one year from the date of this approval if all objections are not resolved.

II- Table

Table this abandonment request to allow time for the Applicant to address any objections raised by the affected parties

III- Denial

Recommend denial to the City Commission as the Board finds that due to the location of existing utilities or the need to locate future utilities in the easement it serves a public purpose and should not be abandoned.

Staff recommends Motion I "Approve with conditions" as stated above.



City of Pompano Beach
 Department of Development Services
 Planning & Zoning Division

100 W. Atlantic Blvd Pompano Beach, FL 33060
 Phone: 954.786.4634 Fax: 954.786.4666

1118000004



Request for Vacation

TO THE CITY COMMISSION AND TO THE PLANNING AND ZONING BOARD OF THE CITY OF POMPANO BEACH

Please take notice that the undersigned requests an Easement Vacation on the following described property:

Subdivision: _____ Block: _____ Lot(s): _____

(If Acreage, attach legal description.)

Street Address: _____

Type of Easement: _____

Reason for Request: _____

(A separate sheet may be attached for additional information.)

Please take notice that the undersigned requests a Right-of-Way Vacation adjacent to the following described property:

Subdivision: High Ridge Estates Block: 5 Lot(s): 11

(If acreage, attach legal description.)

Street Address: 531 SE 13 Street Pompano Beach, FL.

Reason for Request Safety Concerns

(A separate sheet may be attached for additional information.)

Name of Petitioner: Gillian Sayles

Petitioner's Interest in Property: owner

Does Petitioner have any financial interest in properties near or abutting this property? If so, explain:
No

Improvements Located on Property: _____

Dated this 3rd day of July, 2011.

Gillian Sayles

Print: Property Owner's Name

[Signature]

Property Owner's Signature

531 SE 13th St.

Mailing Address

POMPANO BEACH, FL. 33060

(Zip Code)

- \$175.00 - Easement Vacation
- \$500.00 - Right-of-Way Vacation

Tel.: 954-298-0427
 (Area Code)

Receipt No.: _____

Note: Three (3) copies of this application with original signatures, three (3) sealed surveys or recorded plats must accompany this request. With requests to vacate right-of-way, an Attorney's Title Opinion or Certificate of Title dated within the last six (6) months is required.