



Staff Report

**File #:** LN-614

PLANNING AND ZONING BOARD

Meeting Date: JUNE 26, 2024

**512 SE 28 AVE EASEMENT ABANDONMENT**

**Request:** Easement Abandonment  
**P&Z#** 24-27000002  
**Owner:** James J Maguire TR  
**Project Location:** 512 SE 28<sup>th</sup> Ave  
**Folio Number:** 494306190090  
**Land Use Designation:** L (Low 1-5 DU/AC)  
**Zoning District:** RS-2 (Single-Family Residence 2)  
**Commission District:** 1 (Andrea McGee)  
**Agent:** John Greene (561-351-5762 / john.greene@elliman.com)  
**Project Planner:** Maggie Barszewski (954-786-7921 / maggie.barszewski@copbfl.com)

This is a request to abandon a 10-foot wide utility easement by Applicant, John Greene, on behalf of the owner the James J Maguire Trust. The easement is shown on the face of the Cypress Point Plat (ORB 28, PG 16) and is located on the east side of SE 28th Avenue at the terminus of SE 6<sup>th</sup> Street. This had been a perimeter utility easement, however, this lot was created by combining portions of Lots 11 & 12. Therefore, the 10-foot easement is located practically in the middle of the lot. There are no utility assets located within the easement and a single-family home was built on top of it in 1954.

**REVIEW AND SUMMARY**

**A. The following Service Providers commented on this request:**

Code Compliance: No Objection  
Fire Department: No Objection  
Public Works Department: No Objection  
Utilities Department: No comment has been submitted yet  
FP&L: No comment has been submitted yet  
AT&T: No comment has been submitted yet  
TECO Gas: No comment has been submitted yet  
Comcast Cable: No comment has been submitted yet

**B. Development Services Department staff submits the following factual information which is relevant to this abandonment request:**

1. The property is located on the east side of SE 28th Avenue at the terminus of SE 6<sup>th</sup> Street.

2. The Applicant's request is necessary to eliminate this unnecessary 10-foot wide easement located under an existing home.

### **C. Review Standards**

Section 155.2431 D. 1. & 2. states that an application for vacation or abandonment of a public right-of-way or easement shall be approved only on a finding that all of the following standards are met:

1. The right-of-way or easement is not now, or in the foreseeable future, of any benefit to the city or its inhabitants; and
2. Vacation or abandonment of the right-of-way or easement is consistent with the comprehensive plan.

### **D. Staff Analysis**

All three of the city service providers that have commented have stated they have no objection to this request. There are five service providers that have not yet submitted comments, however, it is obvious that this easement can not be used by any service provider given it has been located under a house for the past 70 years.

The abandonment of this easement meets the standards of Section 155.2431D.1. & 2, and therefore staff recommends approval of this request.

### **DEPARTMENT RECOMMENDATION**

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

#### **I- Approve with conditions**

Recommend approval to the City Commission as the Board finds that the easement abandonment meets the standards of Section 155.2431D.1. & 2. With the following condition:

1. The Applicant must submit a legal description & sketch of the easement to be abandoned.

#### **II- Table**

Table this abandonment request to allow time for the Applicant to address any objections raised by the affected parties or to get additional information.

Staff recommends alternative motion number I.

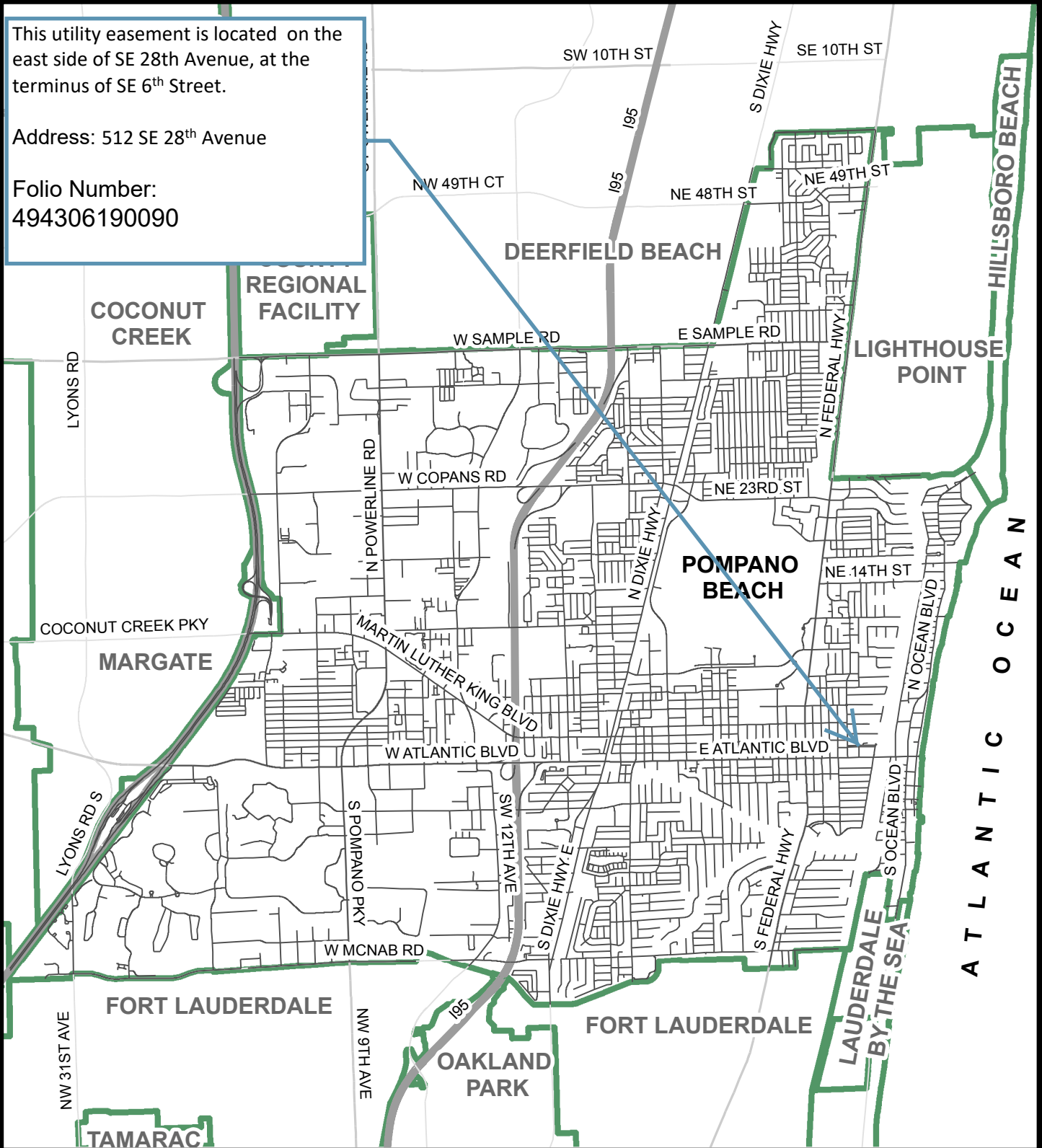
# CITY OF POMPANO BEACH LOCATION MAP



This utility easement is located on the east side of SE 28th Avenue, at the terminus of SE 6th Street.

Address: 512 SE 28th Avenue

Folio Number:  
494306190090



1 in = 1 miles

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH AERIAL MAP

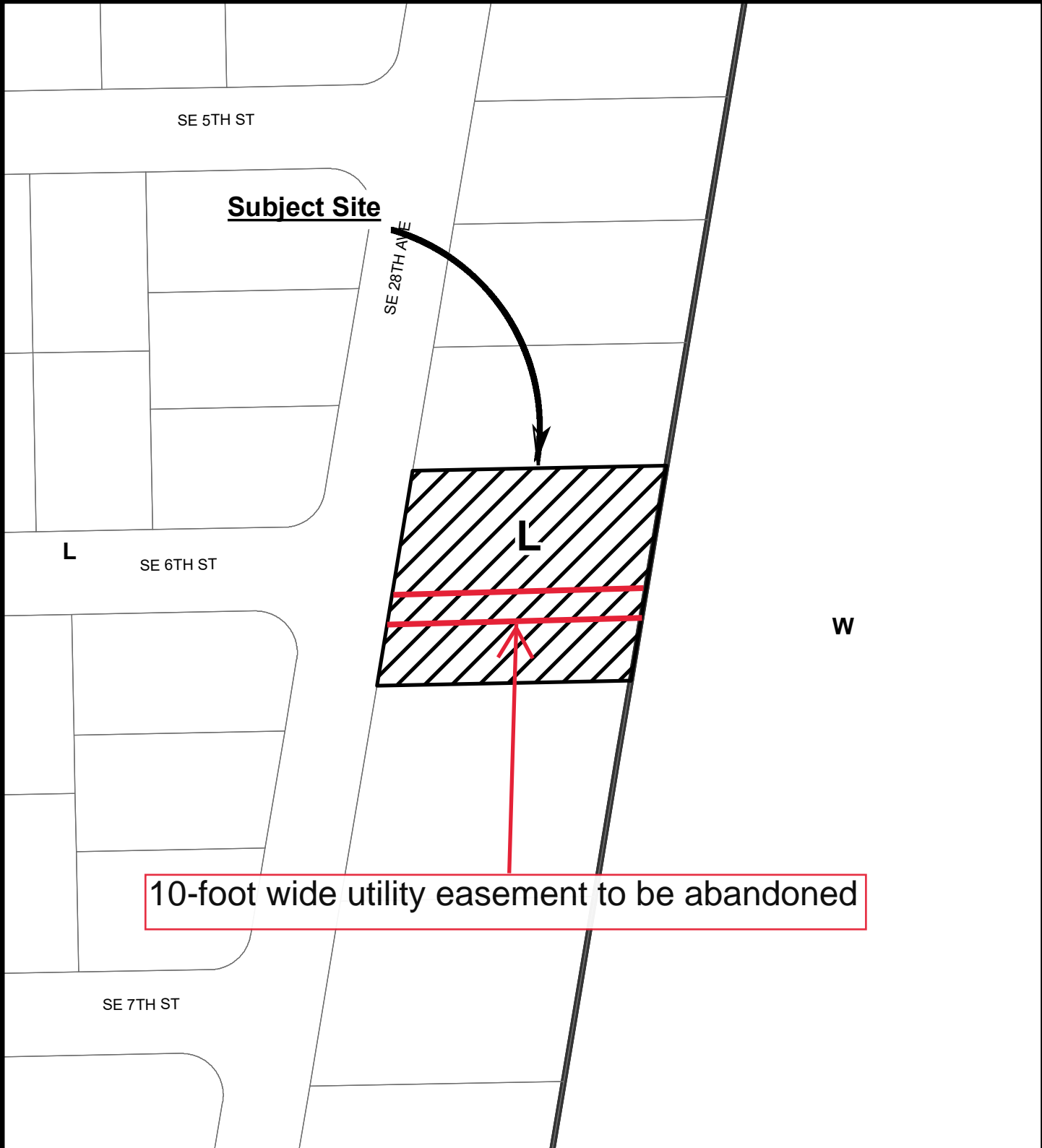


**Subject Site**

10-foot wide utility easement to be abandoned

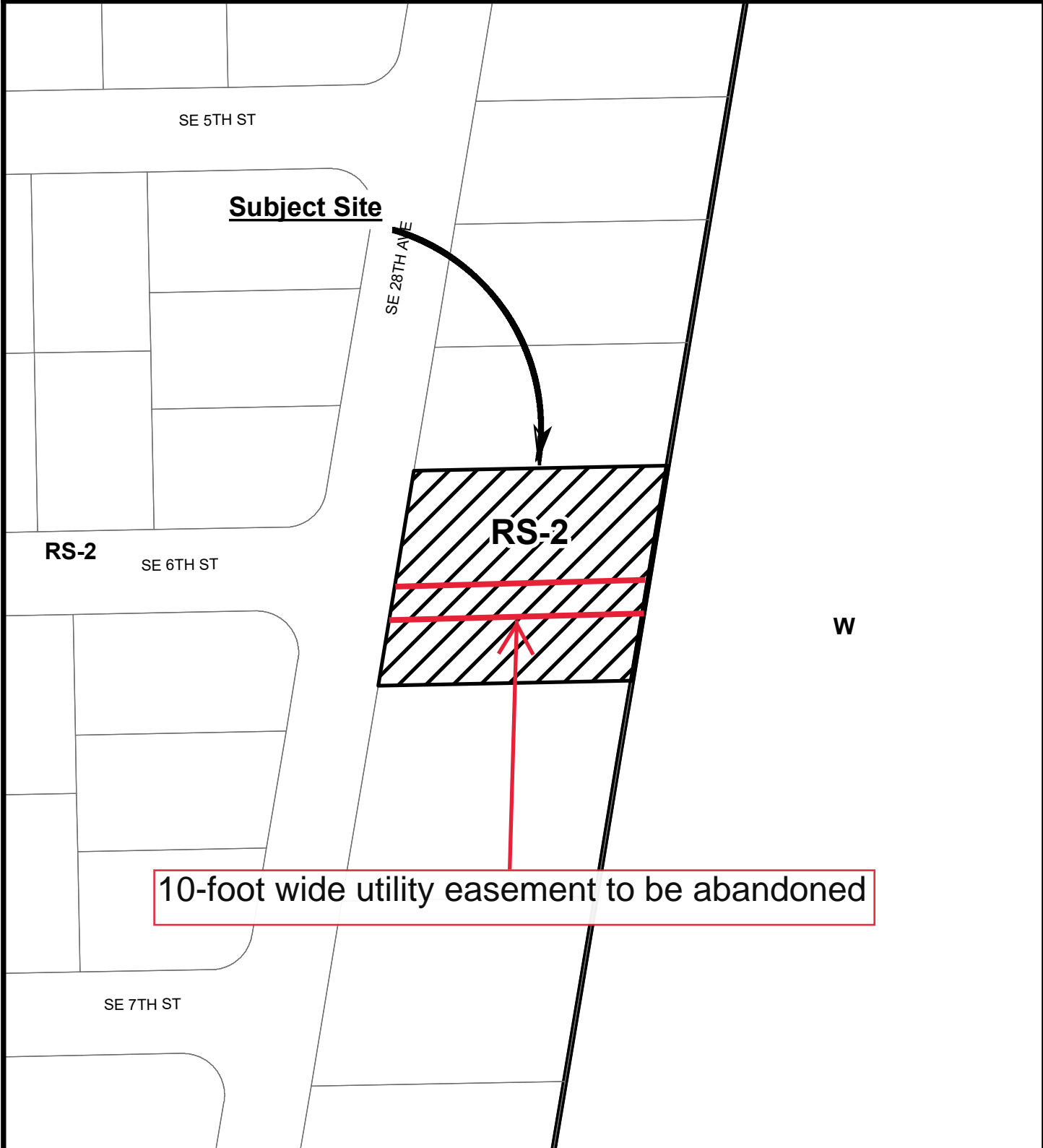
1 in = 83 ft

# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 83 ft

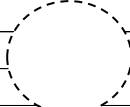
# CITY OF POMPANO BEACH OFFICIAL ZONING MAP



10-foot wide utility easement to be abandoned

1 in = 83 ft

## LEGEND

FOR LAND USE PLAN		FOR ZONING MAP	
Symbol	Classification Units/ Acre	Symbol	District
		RS-1	Single-Family Residence 1
*	L Low (1-5 DU/AC)	* RS-2	Single-Family Residence 2
	LM Low- Medium (5-10 DU/AC)	RS-3	Single-Family Residence 3
	M Medium (10-16 DU/AC)	RS-4	Single-Family Residence 4
	MH Medium-High 16-25 DU/AC)	RS-L	Single-Family Residence Leisureville
	H High (25-46 DU/AC)		
	12 Irregular Density	RD-1	Two- Family Residence
	36 Irregular Density		
		RM-7	Multiple-Family Residence 7
	C Commercial	RM-12	Multiple-Family Residence 12
	CR Commercial Recreation	RM-20	Multiple-Family Residence 20
		RM-30	Multiple-Family Residence 30
	I Industrial	RM-45	Multiple-Family Residence 45
		MH-12	Mobile Home Park
	T Transportation		
		B-1	Limited Business
	U Utilities	B-2	Neighborhood Business
		B-3	General Business
	CF Community Facilities	B-4	Heavy Business
		M-1	Marina Business
	OR Recreation & Open Space	CR	Commerical Recreation
	W Water	I-1	General Industrial
		I-1X	Special Industrial
	RAC Regional Activity Center	O-IP	Office Industrial Park
		M-2	Marina Industrial
	LAC Local Activity Center		
	ETOC East Transit Oriented Corridor	TO	Transit Oriented
	DPTOC Downtown Pompano	PR	Parks & Recreation
	Transit Oriented Corridor	CF	Community Facilities
		PU	Public Utility
	 Number	T	Transportation
		BP	Business Parking
		LAC	Local Activity Center
		RPUD	Residential Planned Unit Dev.
		PCD	Planned Commercial Development
		PD-TO	Planned Development - Transit Oriented
		EOD	East Overlay District
		PD-I	Planned Development - Infill
		RM-45 HR	Multiple-Family Residence 45 High Rise-Overlay
		AOD	Atlantic Boulevard Overlay District
		CRAO	Community Redevelopment Area Overlay
		NCO	Neighborhood Conservation Overlay
		APO	Air Park Overlay
		DPOD	Downtown Pompano Beach Overlay