

ADMINISTRATIVE MEMORANDUM NO. 18-422

TO: Planning and Zoning Board
VIA: David L. Recor, ICMA-CM, Director of Development Services
VIA: Jennifer Gomez, AICP, Assistant Director of Development Services
FROM: Maggie Barszewski, AICP, Planner
SUBJECT: Abandonment Request of the Road Reservation Easement located parallel to Powerline Road north of NW 9th Street.
Abandonment P&Z #18-27000001/ February 27, 2019 P&Z Meeting
DATE: February 16, 2019

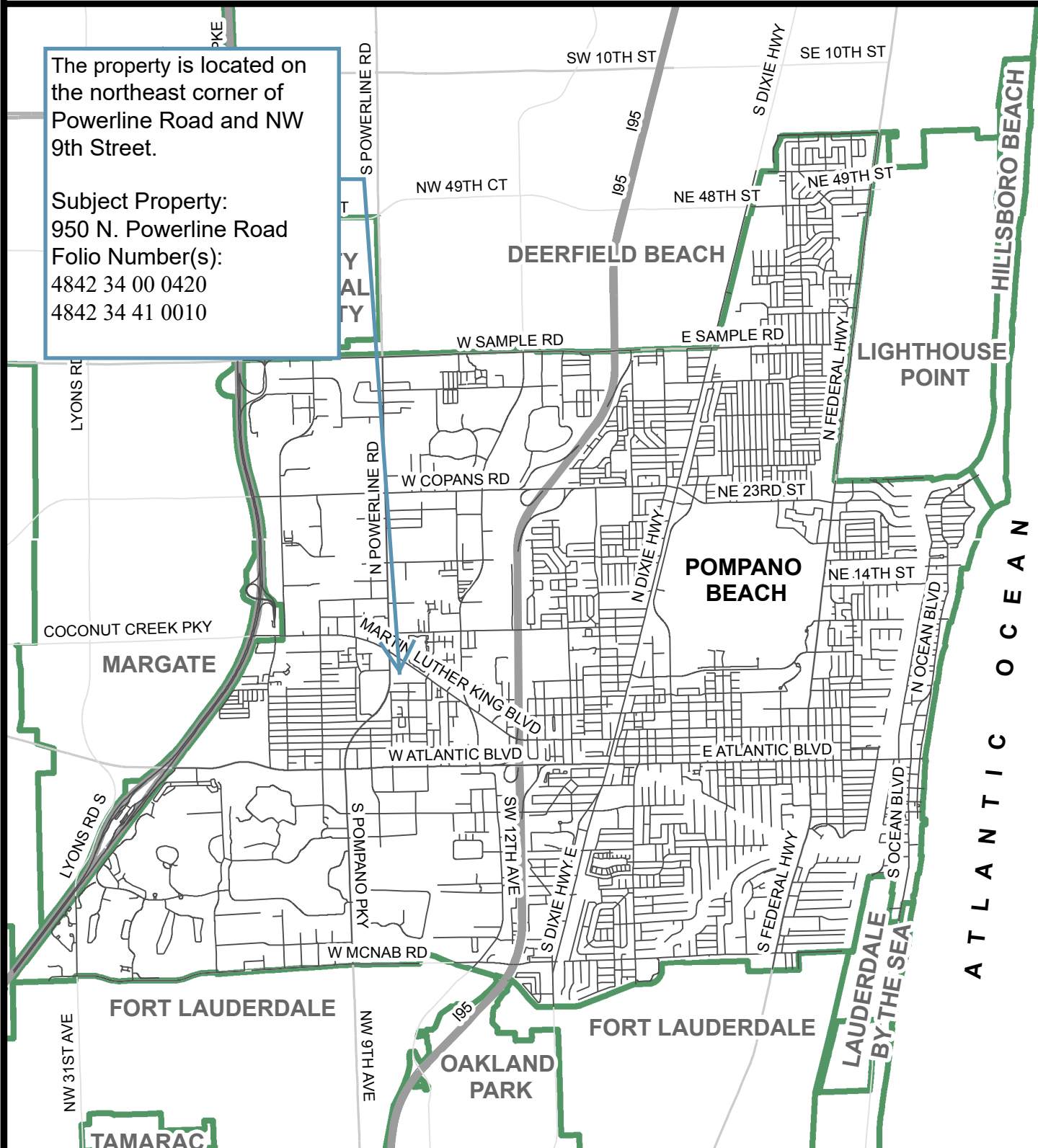
The following is a brief summary of information on the proposed development and surrounding properties. This is a request to abandon a 28-foot wide road reservation easement located parallel to Powerline road north of NW 9th Street (see Attachment I, green highlighted area). The applicant is James McLaughlin, on behalf of Gateway, LLC, who is submitting a concurrent plat for the property. The applicant is requesting to abandon the road reservation easement since Broward County determined that the 28-foot reservation easement was not necessary for the future expansion of Powerline Road. The applicant intends to develop the property for a marble and stone showroom retail use.

CITY OF POMPANO BEACH LOCATION MAP



The property is located on the northeast corner of Powerline Road and NW 9th Street.

Subject Property:
950 N. Powerline Road
Folio Number(s):
4842 34 00 0420
4842 34 41 0010



1 in = 1 miles

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

LEGEND

FOR LAND USE PLAN

Symbol Classification Units/ Acre

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

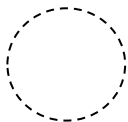
W Water

RAC Regional Activity Center

Boundaries

City of Pompano Beach

13 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

Symbol District

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

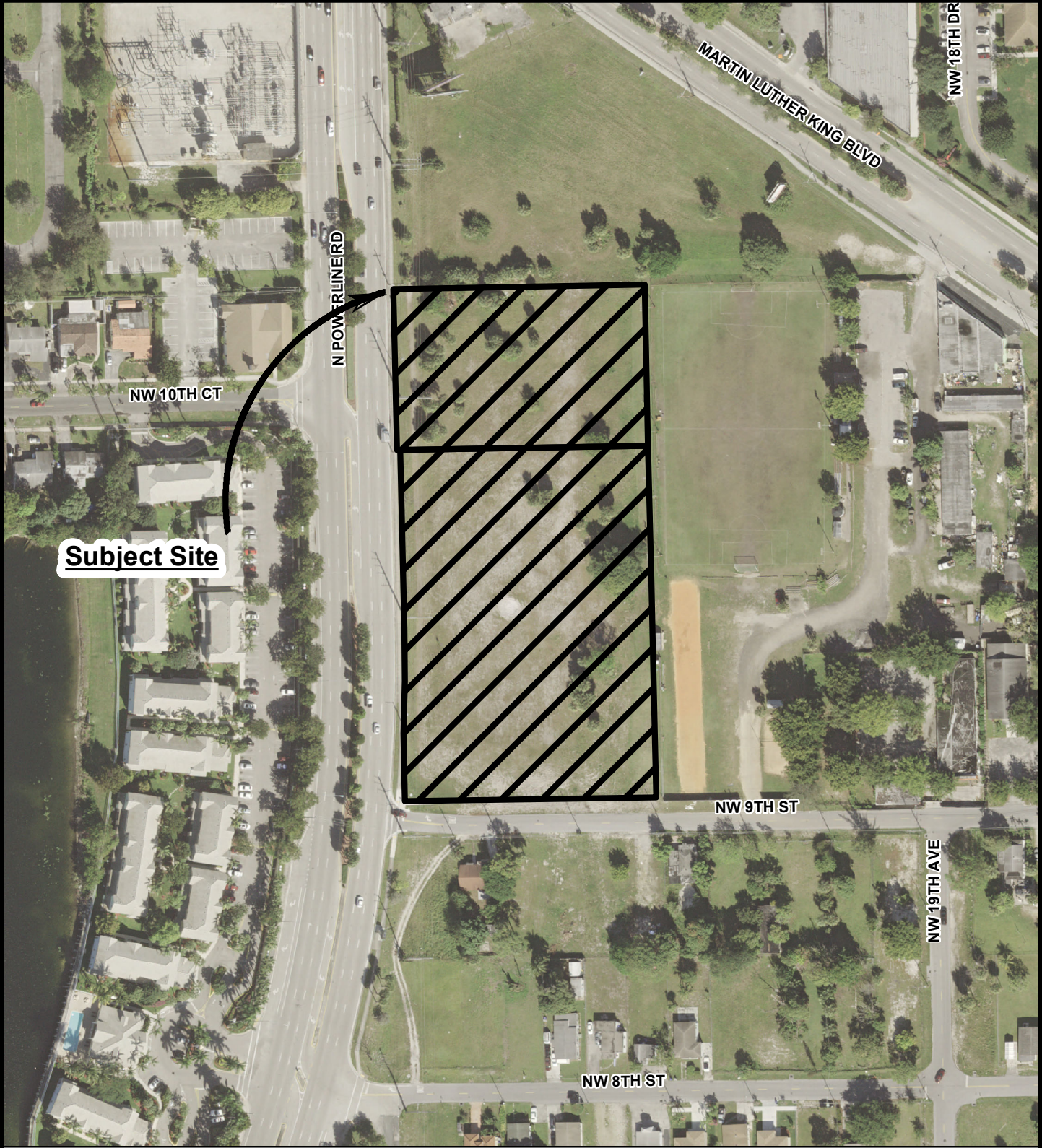
CR Commerical Recreation

CF Community Facilities

T Transportation

PU Public Utility

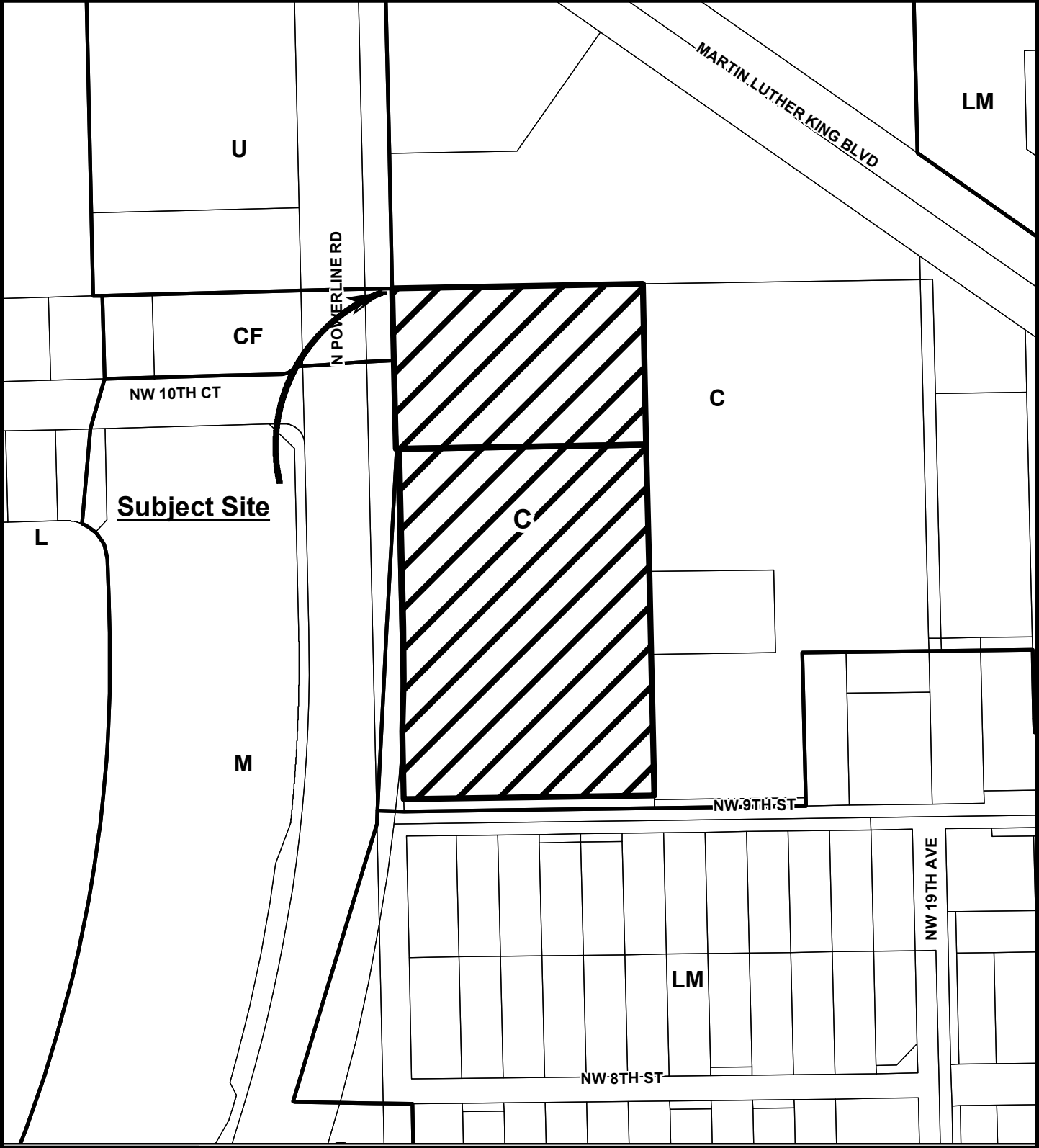
CITY OF POMPANO BEACH
AERIAL MAP



1 in = 167 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

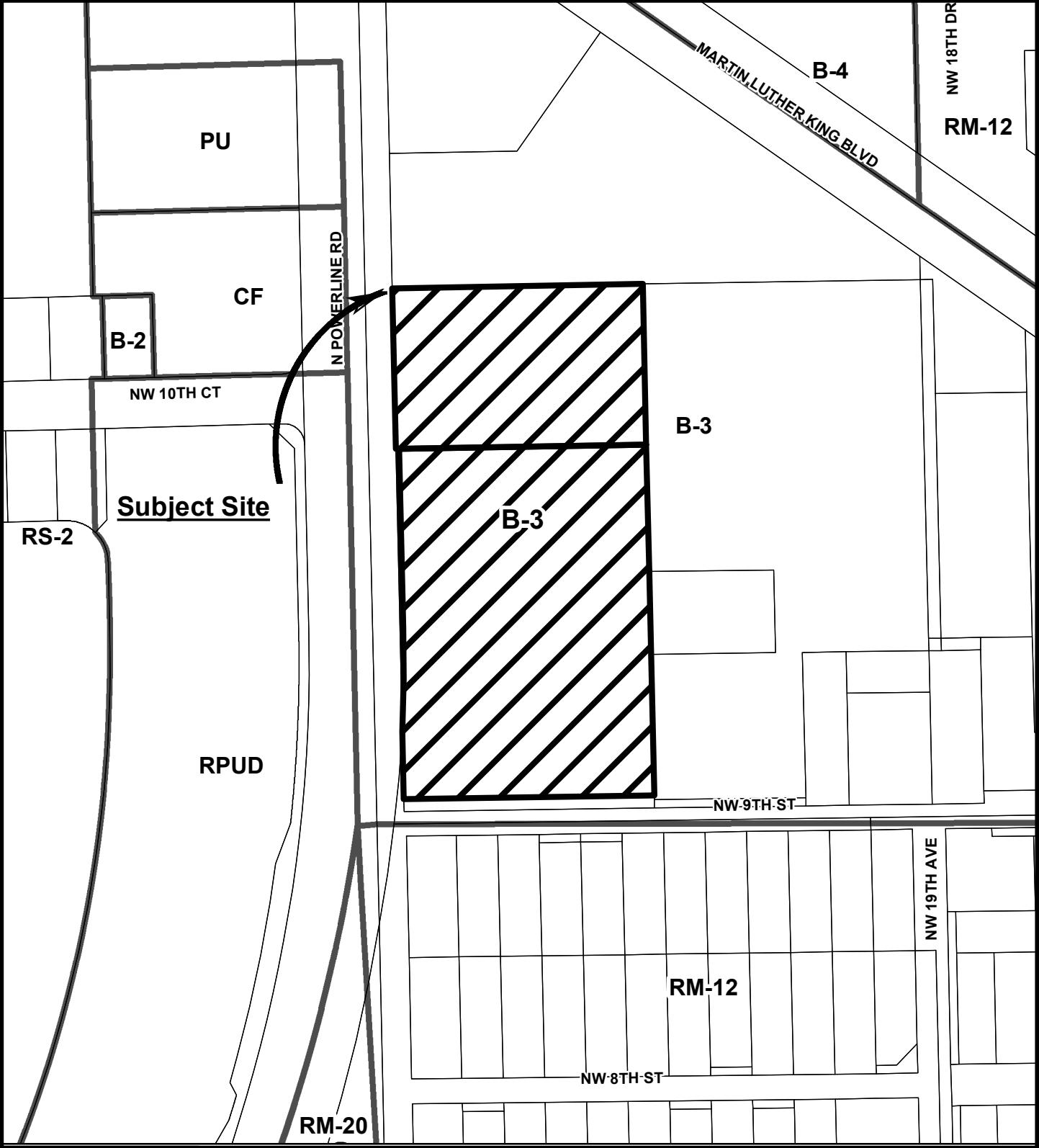
CITY OF POMPANO BEACH
OFFICIAL LAND USE MAP



1 in = 167 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH
OFFICIAL ZONING MAP



1 in = 167 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

REVIEW AND SUMMARY

A. The following Service Providers commented on this request (all such comments must be received prior to City Commission unless conditioned otherwise):

Community Redevelopment:	No Objection
Engineering	No Objection
Code Compliance:	No Objection
Fire Department:	No Objection
Public Works Department:	No Objection
Development Services:	No Objection
Utilities Department:	No Comment has been received
FP&L:	No Objection
FDOT:	No Objection
AT&T:	No Objection
Comcast Cable:	No Objection

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

1. The property is located parallel to Powerline Road north of NW 9th Street.
2. The purpose for the Applicant's request is to develop the property for a marble and stone showroom retail use.

C. Review Standards

Section 155.2431D. 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

This road right-of-way reservation easement was recorded by two separate instruments (not by Plat), and approved by Resolution 89-52 and 89-58 (see Attached), both on December 20, 1988. They were provided at a time before the Broward County Trafficways Plan was adopted and the County had not yet determined how much right-of-way was necessary for Powerline Road's future expansion.

All of comments that have been received state no objection to this request. City Staff has yet to receive a comment from the Utilities Department.

Except for the above-noted missing comment, the abandonment of this right-of-way meets the abandonment standards of Section 155.2431D. 1. & 2, and therefore staff recommends approval of this request with a condition.

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; however it will not be placed on a City Commission agenda until the following conditions are met:

1. This request will not be placed on a City Commission Agenda until all other positive comments are received from each service provider, or until 60 days from the date of this recommendation, whichever occurs first.

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.

III- Denial

Recommend denial to the City Commission as the Board finds that the easement serves a public purpose and should not be abandoned.

Staff recommends alternative motion number I.

Attachment I
Easement Drawing

NOTICE: This plot, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plot. There may be additional restrictions that are not recorded on this plat that may be found in the public records of Broward County, Florida.

IT IS THE INTENT OF THIS PLAT TO VACATE / RELEASE ALL UNDERLYING PLATTED EASEMENTS NOT SHOWN HEREON.

CITY OF POMPANO BEACH PLAT RESTRICTION
All facilities for the distribution of electricity, telephone and cable television shall be installed underground.

If a building permit for a principal building (excluding dry models, sales and construction offices) and first inspection approval are not issued by 2023 , then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame;

and/or

If construction of project water lines, sewer lines, drainage and the rock base for internal roads have not been substantially completed by 2023 , then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame.

THE FOLLOWING NOTE IS REQUIRED BY THE BROWARD COUNTY SURVEYOR
PURSUANT TO CHAPTER 177.091, SUBSECTION(28), FLORIDA STATUTES:

Platted utility easements are also easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This note does not apply to private easements granted to or obtained by a particular electric, telephone, gas or other public utility. Such construction, installation, maintenance, and operation shall comply with the National Electric Safety Code as adopted by the Florida Public Service Commission.

Parcel "A", GREEN LAND TRUST PLAT, according to the plat thereof, as recorded in Plat Book 178, Pages 164 and 165, of the public records of Broward County, Florida.

The North three-fifths (N 3/5) of the North one-half (N 1/2) of the West one-half (W 1/2) of the Northwest one-quarter (NW 1/4) of the Southwest one-quarter (SW 1/4) of the Northwest one-quarter (NW 1/4), Section 34, Township 48 South, Range 42 East, Less the West 33.00 feet thereof.

All of said land situate, lying and being in the City of Pompano Beach, Broward County, Florida and containing 184,830 square feet or 4.2431 acres, more or less.

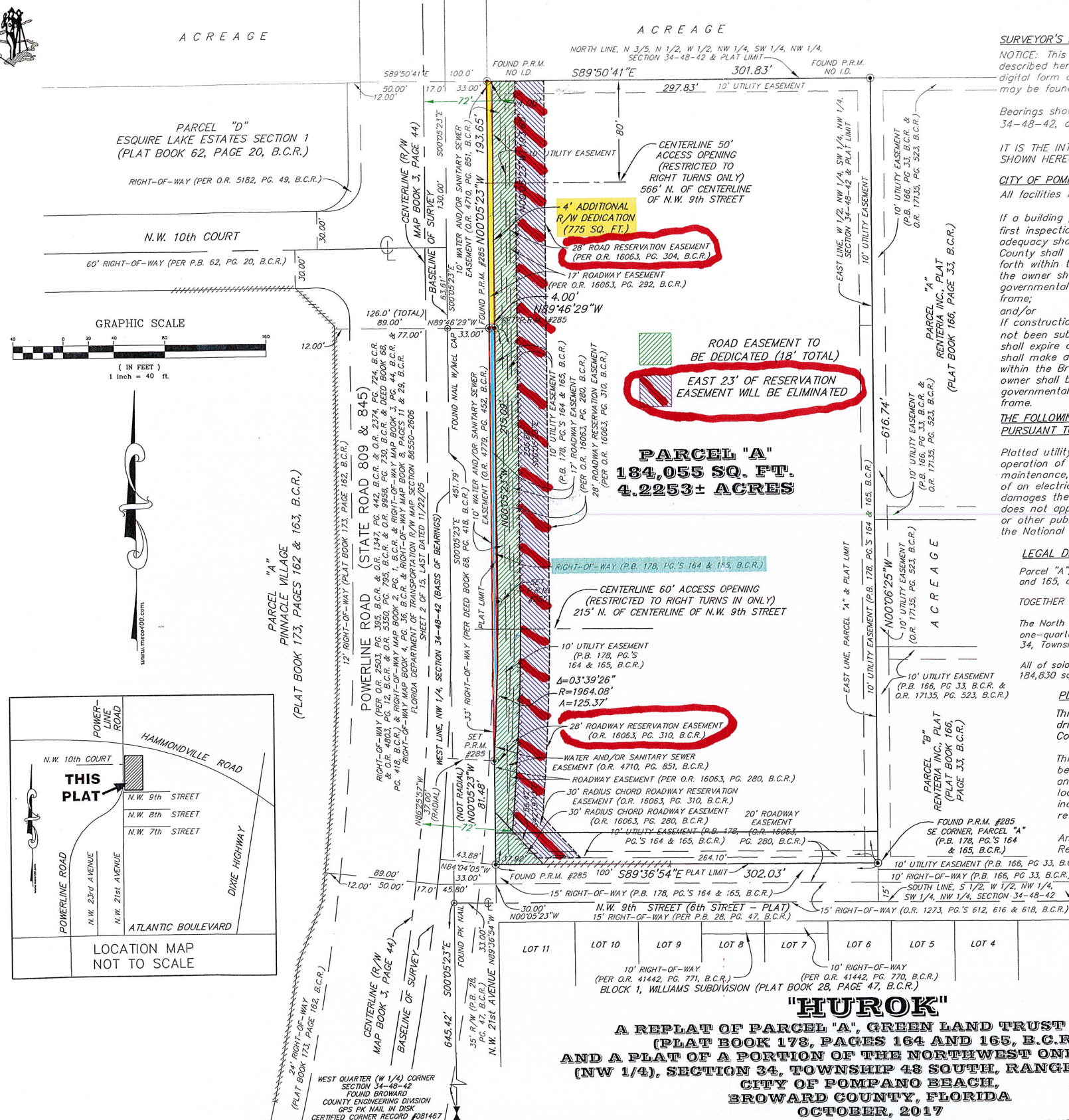
This plot is restricted to 80,000 square feet of Commercial use. No freestanding banks and or drive-thru bank facilities are permitted without approval from the Board of County Commissioners who shall review and address these uses for increased impacts.

This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by approval of the Broward County Board of County Commissioners. The notation and any amendments thereto are solely indicating the approved development level for property located within the plat and do not operate as a restriction in favor of property owner including an owner or owners of property within this plat who took title to the property with reference to this plat.

Any structure within this plat must comply with Section IV D.1.f., Development Review Requirements, of the Broward County Land Use Plan, regarding hazards to air navigation.

- P.R.M. - indicates Permanent Reference Monument
(4"x4"x24" Concrete monument w/brass
disk stamped "McLaughlin Eng. Co."-L.B. 285)
unless otherwise indicated
- SQ. FT. - indicates square feet
- L.B. - indicates Licensed Business Number
- P.B. PG. - indicates Plat Book & Page
- B.C.R. - indicates Broward County Records
- ℄ - indicates centerline of Right - of - way
- O.R., PG., - indicates Official Record, Page
- ~~-----~~ - indicates Non-Vehicular Access Line
- R/W - indicates Right-of-Way

020-MP-18



PREPARED BY: McLAUGHLIN ENGINEERING CO. 1700 N.W. 64th STREET, SUITE 400 FORT LAUDERDALE, FLORIDA 33309 TEL. (954) 763-7611 FAX (954) 763-7615 SURVEY FILE NO. 07-3-48 McL JOB NO. V-2742

Attached 1988 Resolutions

88518233

RESOLUTION NO. 89-52

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION ACCEPTING A ROAD RESERVATION
EASEMENT FROM GEORGE HORN AND RUTH HORN, HIS
WIFE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, George Horn and Ruth Horn, his wife, are conveying to the City of Pompano Beach certain property rights via Road Reservation Easement; and

WHEREAS, the City Commission has determined that the best interest of the public will be served by accepting and acquiring the rights being conveyed by the Road Reservation Easement; now, therefore

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1: That the City of Pompano Beach accepts the Road Reservation Easement from George Horn and Ruth Horn, his wife, dated November 1, 1988, for the property described in said Road Reservation Easement, a copy of which is attached hereto and made a part hereof as if set forth in full.

SECTION 2: That it is the determination of the City Commission of the City of Pompano Beach, Florida, that the acquisition of the aforesaid property right is for a public road reservation.

SECTION 3: This Resolution shall become effective upon passage.

DEC 27 12 43 PM '88

BK16063PG0304

FEEL FREE
RETURN TO
FRONT RECORDING

25
1
35
4

PASSED AND ADOPTED this 20th day of December, 1988.


E. PAT LARKINS MAYOR

ATTEST:

for  Deputy
VERNADETTE HEWETT
CITY CLERK

SVD/jvs
12/13/88
002BD/#69

BKT6063PG0305

ROAD RESERVATION EASEMENT

THIS Road Reservation Easement ("Easement") made this 1st day of November, 1988, by GEORGE HORN and RUTH HORN, his wife ("Grantors") to CITY OF POMPANO BEACH, FLORIDA, a Municipal Corporation ("Grantee"), for the benefit of Grantee and through them the public and those taking by, through and under Grantee,

W I T N E S S E T H:

WHEREAS, the Grantors are owners of that certain real property located in Broward County, Florida, more particularly described on Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, Grantee may be desirous of obtaining the use of said property for road reservation right-of-way, transportation and other appropriate uses connected with the utilization of road right-of-way; and

WHEREAS, Grantors desire to grant a Road Reservation Easement to Grantee for the purposes set forth herein;

NOW, THEREFORE, in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties intending to be legally bound do hereby agree as follows:

1. The foregoing recitations are true and correct and are included herein by reference.
2. Grantors hereby grant and convey to Grantee and all those taking by, through and under Grantee and for the use of the general public a Road Reservation Easement for the described lands in Exhibit "A" attached hereto and made a part hereof, for the purposes of road right-of-way, including but not limited to the widening of said road, utilization as a shoulder or swale for said road, utilization for general transportation purposes, and for any other use consistent with general road right-of-way purposes.
3. Grantors shall continue to maintain the Easement area until such time as the Grantee shall utilize the same for road right-of-way purposes. Grantee agrees to maintain the area at such time as the same is utilized by the Grantee for road right-of-way purposes.

BK 6063P60306

IN WITNESS WHEREOF, Grantors and Grantee have hereunto set their hands and seals the day and year above written.

WITNESSES:

Barbara Ann
Helen Weinstein

GEORGE HORN

Ruth Horn
RUTH HORN

STATE OF FLORIDA)
COUNTY OF BROWARD) ss:

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared GEORGE HORN and RUTH HORN, to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my and official seal in the County and State last
aforesaid this 1st day of November, 1988.

My Commission Expires:

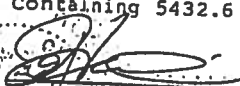
Margaret Ann Alder
NOTARY PUBLIC

BK-T 6063 P60307

DESCRIPTON ROADWAY RESERVATION EASEMENT:

The East 28.00 feet of the West 78.00 feet of the following described lands:

The North 3/5 of the North 1/2, of the West 1/2, of the NW1/4, of the SW1/4, of the NW1/4, of Section 34, Township 48 South, Range 42 East, Broward County, Florida; LESS the Right-of-Way of Powerline Road. Containing 5432.6 Square Feet.


Hugh R. Davis
P.E.L.S. 1978
State of Florida.

9/19/87
DATE



DAVIS ASSOCIATES, INC.

Consulting Civil and Environmental Engineers · Land Surveyors · Land Development Consultants · Planners

1634 E. ATLANTIC BOULEVARD · POMPANO BEACH, FLA. 33060

phone: (305) 782-9447

JOB NO.

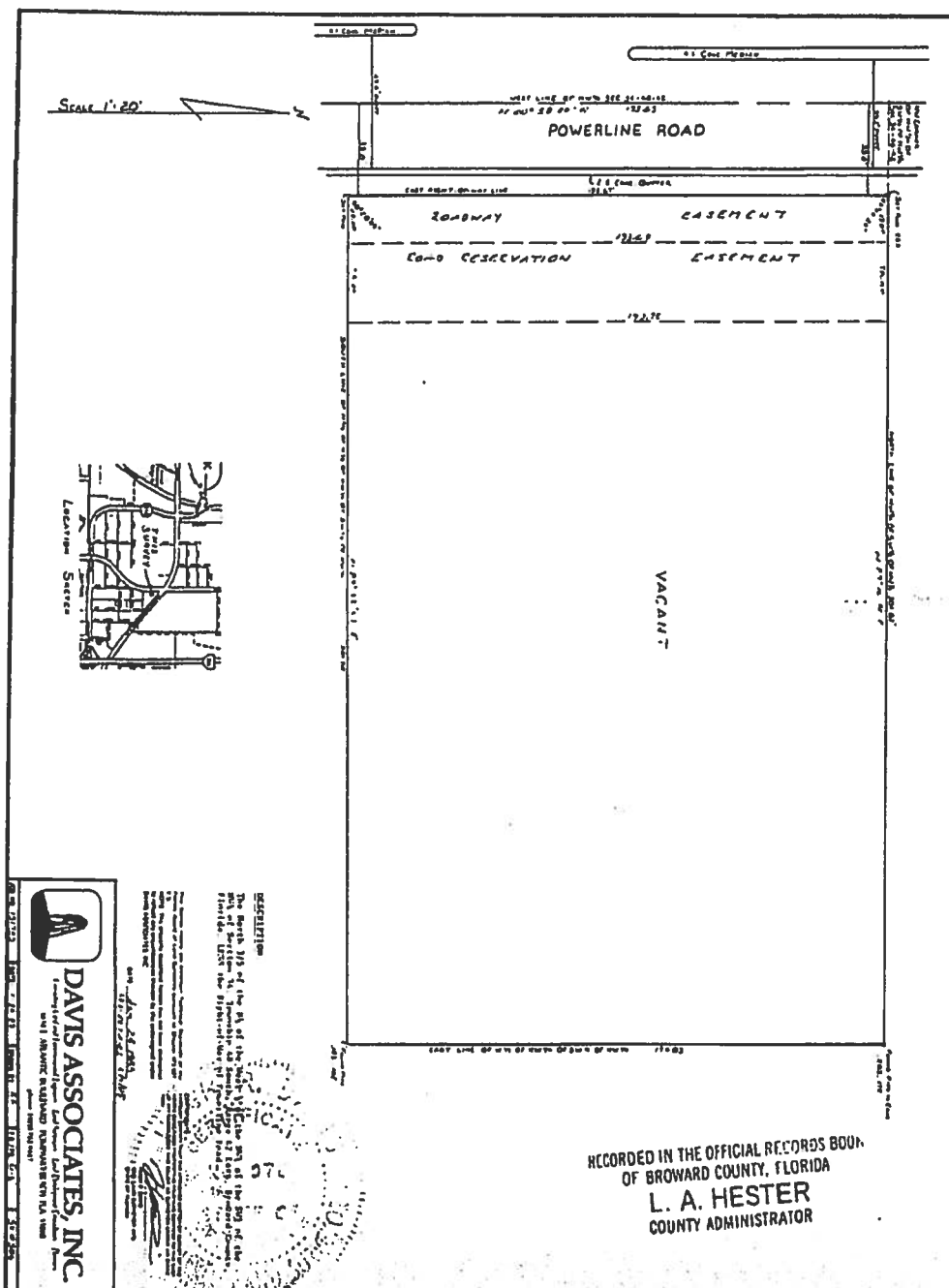
DATE

DRAWN BY

P.S./P.G.

BK 6063PG0308

BK116063PG0309



RESOLUTION NO. 89-58

88518234

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION ACCEPTING A ROAD RESERVATION EASEMENT FROM ROBERT M. GREENE, NANCY E. HEARN AND EDA E. GREEN, (TRUSTEE); PROVIDING AN EFFECTIVE DATE.

WHEREAS, Robert M. Green, Nancy E. Hearn and Eda E. Green, (Trustee), are conveying to the City of Pompano Beach certain property rights via Road Reservation Easement; and

WHEREAS, the City Commission has determined that the best interest of the public will be served by accepting and acquiring the rights being conveyed by the Road Reservation Easement; now, therefore

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1: That the City of Pompano Beach accepts the Road Reservation Easement from Robert M. Green, Nancy E. Hearn and Eda E. Green, (Trustee), dated November 1, 1988, for the property described in said Road Reservation Easement, a copy of which is attached hereto and made a part hereof as if set forth in full.

SECTION 2: That it is the determination of the City Commission of the City of Pompano Beach, Florida, that the acquisition of the aforesaid property right is for a public road reservation.

SECTION 3: This Resolution shall become effective upon passage.

Dec 27 12 43 PM '88

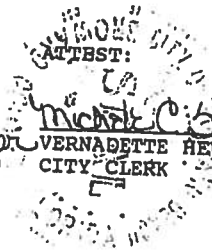

BK16063FC0310

→ FEB ITEM
RETURN TO
FRONT RECORING

2500
358
4

PASSED AND ADOPTED this 20th day of December, 1988.


E. PAT LARKINS MAYOR


ATTEST:

for VERNADETTE HEWETT
CITY CLERK

SVD/jvs
12/13/88
002BD/#72

BKT 6063PG0311

ROAD RESERVATION EASEMENT

THIS Road Reservation Easement ("Easement") made this 1st day of November, 1988, by ROBERT M. GREEN AND NANCY E. HEARN, as joint tenants with right of survivorship and EDA E. GREEN, TRUSTEE ("Grantors") to CITY OF POMPAÑO BEACH, FLORIDA, a Municipal Corporation ("Grantee"), for the benefit of Grantee and through them the public and those taking by, through and under Grantee,

W I T N E S S E T H:

WHEREAS, the Grantors are owners of that certain real property located in Broward County, Florida, more particularly described on Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, Grantee may be desirous of obtaining the use of said property for road reservation right-of-way, transportation and other appropriate uses connected with the utilization of road right-of-way; and

WHEREAS, Grantors desire to grant a Road Reservation Easement to Grantee for the purposes set forth herein;

NOW, THEREFORE, in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties intending to be legally bound do hereby agree as follows:

1. The foregoing recitations are true and correct and are included herein by this reference.
2. Grantors hereby grant and convey to Grantee and all those taking by, through and under Grantee and for the use of the general public a Road Reservation Easement for the described lands in Exhibit "A" attached hereto and made a part hereof, for the purposes of road right-of-way, including but not limited to the widening of said road, utilization as a shoulder or swale for said road, utilization for general transportation purposes, and for any other use consistent with general road right-of-way purposes.
3. Grantors shall continue to maintain the Easement area until such time as the Grantee shall utilize the same for road right-of-way purposes. Grantee agrees to maintain the area at such time as the same is utilized by the Grantee for road right-of-way purposes.

BK 6063P60312

BK16063PG0313

DESCRIPTION ROADWAY RESERVATION EASEMENT:

All that part of the West one-half ($W\frac{1}{2}$), of the Northwest one-quarter ($NW\frac{1}{4}$), of the Southwest one-quarter ($SW\frac{1}{4}$), of the Northwest one-quarter ($NW\frac{1}{4}$), of Section 34, Township 48 South, Range 42 East, Broward County, Florida, described as follows:

Commence at the Southwest corner of the above described lands; thence $N89^{\circ}30'16''E$, along the Southline thereof, 33.00 feet; thence $N00^{\circ}58'06''W$, parallel with the West line thereof, 35.00 feet; thence $N89^{\circ}30'16''E$, parallel with the South line thereof, 39.29 feet to the Point of Beginning of the Easement herein described; thence continue $N89^{\circ}30'16''E$, 28.09 feet; thence $N43^{\circ}11'28''W$, 44.03 feet; thence Northerly along the arc of a Circular Curve to the left, having a radius of 2005.08 feet, an arc distance of 170.835 feet; thence $N00^{\circ}58'06''W$, parallel with the West line of said Section 34, 214.01 feet; thence $S89^{\circ}22'03''W$, 28.00 feet; thence $S00^{\circ}58'06''E$, parallel with the West line of said Section 34, 214.17 feet; thence Southerly along the arc of a Circular Curve to the right, having a radius of 1977.08 feet, an arc distance of 170.577 feet; thence $S43^{\circ}15'37''E$, 44.05 feet to the Point of Beginning.

Containing 11,664 Square Feet.



Hugh R. Davis
P.L.S. #978
State of Florida.

9/19/88
DATE



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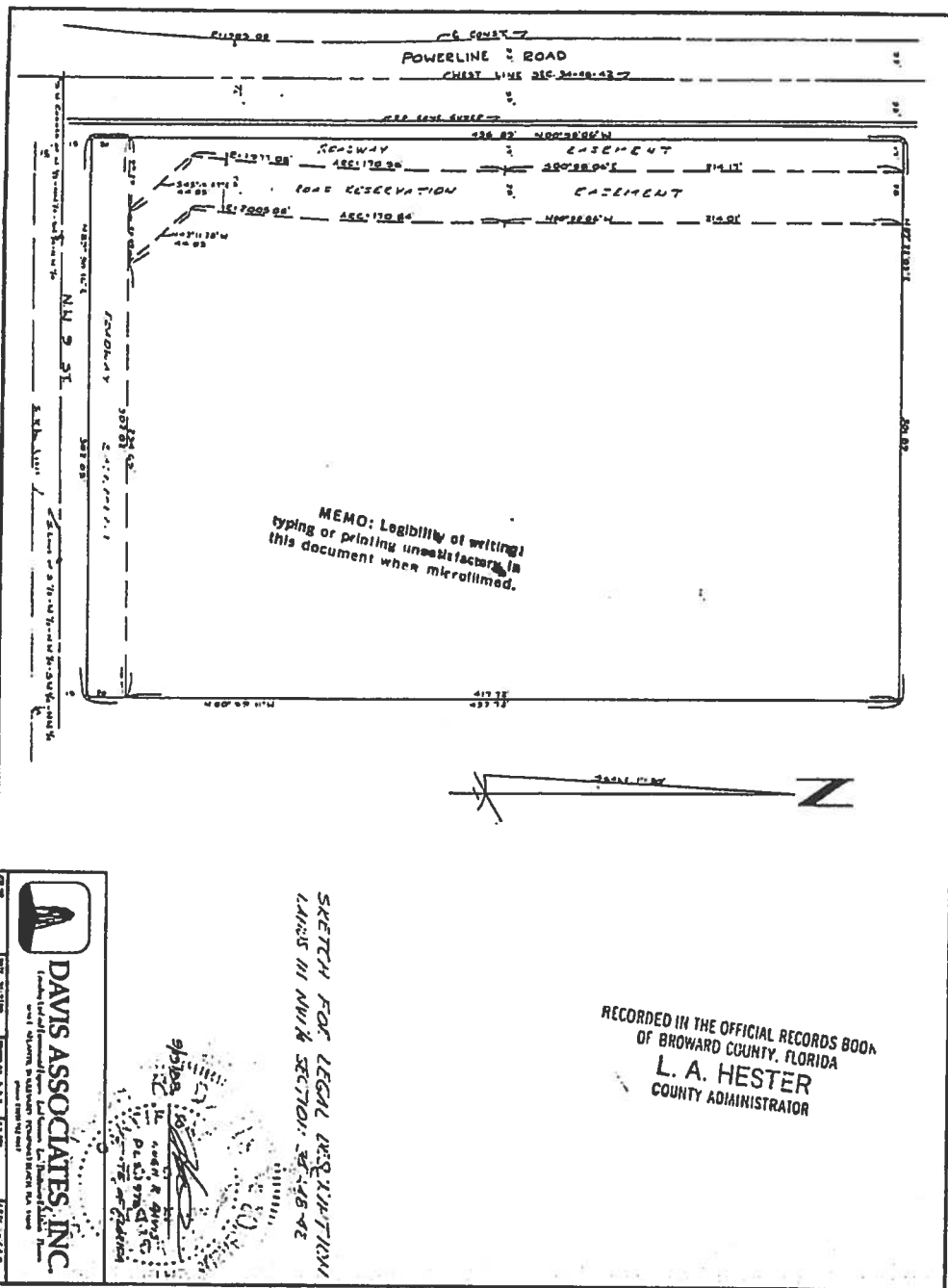
JOB NO.

DATE

DRAWN BY

F.B./P.G.

BK 6063 PG 311



BK 6063 PG 0315