

## PLAT REL

Exhibit "B"

Return recorded to:

Broward County Highway Construction &  
Engineering Division  
1 North University Drive, Suite 300B  
Plantation, FL 33324-2038

Document prepared by:

KEITH  
301 E. Atlantic Blvd  
Pompano Beach, FL 33060

**NOTICE: PURCHASERS, GRANTEES, HEIRS, SUCCESSORS AND ASSIGNS OF ANY INTEREST IN THE PROPERTY SET FORTH ON EXHIBIT "A" ARE HEREBY PUT ON NOTICE OF THE OBLIGATIONS SET FORTH WITHIN THIS AGREEMENT WHICH SHALL RUN WITH THE PROPERTY UNTIL FULLY PERFORMED.**

### **AMENDMENT TO NONVEHICULAR ACCESS LINES**

This is an Agreement, made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

City of Pompano Beach, its successors and assigns, hereinafter referred to as "DEVELOPER."

WHEREAS, the DEVELOPER holds fee simple title to the property described in Exhibit "A" attached hereto and made a part hereof, hereinafter referred to as "Property"; and

WHEREAS, vehicular access to said Property is restricted by virtue of that certain Nonvehicular Access Line which is reflected on the Palm Aire Cypress Course Estates 4th Section Plat, Plat No./Clerk's File No. 126-MP-81, hereinafter referred to as the "PLAT"; or, if applicable, which is reflected on a previous Amendment to the Nonvehicular Access Line approved by the COUNTY on April 6, 1982; and

WHEREAS, a description of the platted area, including the Nonvehicular Access Line, is attached hereto as Exhibit "B" and made a part hereof; and

WHEREAS, the DEVELOPER desires to modify vehicular access to said Property at locations over and across the existing Nonvehicular Access Line; and

WHEREAS, on September 10, 20<sup>20</sup> the COUNTY approved DEVELOPER's Delegation Request for an amendment to the Nonvehicular Access Line in order to establish a new configuration more particularly described in Exhibit "C," attached hereto and made a part hereof; and

WHEREAS, Chapter 5, Article IX of the Broward County Code of Ordinances permits the amendment of Nonvehicular Access Lines; and

WHEREAS, the DEVELOPER has submitted the required approval of the amendment to the Nonvehicular Access Line by other governmental entities with jurisdiction over the adjacent roadways; and

WHEREAS, the COUNTY has no objection to amending the Nonvehicular Access Line; and

WHEREAS, the DEVELOPER has complied with all the conditions of approval imposed by the COUNTY, including execution of this Agreement; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, considerations, and promises set forth below, the COUNTY and DEVELOPER agree as follows:

1. The above recitals are true and correct and incorporated herein.
2. The COUNTY hereby amends the Nonvehicular Access Line on the Property reflected on the PLAT described in Exhibit "B," and replaces said Nonvehicular Access Line by the establishment of a new Nonvehicular Access Line as described in Exhibit "C."
3. The DEVELOPER shall obtain vehicular access to said Property through driveway openings and connections which are consistent with the new Nonvehicular Access Line as described in Exhibit "C."
4. The DEVELOPER shall obtain all necessary permits for construction of the driveway opening and connections from the appropriate unit of government prior to construction of any driveway connections.
5. This Agreement shall be recorded in the Official Records of Broward County at the DEVELOPER's expense, and the Nonvehicular Access Line created herein and the DEVELOPER's obligation set forth herein shall run with the Property described in Exhibit "A."
6. NOTICE. Whenever any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving of notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:



For the COUNTY:

Director of the Broward County Highway Construction  
and Engineering Division  
1 North University Drive, Suite 300B  
Plantation, FL 33324-2038

For the DEVELOPER:

City of Pompano Beach Attn: City Manager

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100 W. Atlantic Blvd.

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Pompano Beach, FL 33060

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7. VENUE; CHOICE OF LAW. Any controversies or legal issues arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State Courts of the Seventeenth Judicial Circuit of Broward County, Florida, the venue situs, and shall be governed by the laws of the state of Florida.
8. CHANGES TO FORM AGREEMENT. DEVELOPER represents and warrants that there have been no amendments or revisions whatsoever to the form Agreement without the prior written consent of the County Attorney's Office. Any unapproved changes shall be deemed a default of this Agreement and of no legal effect.
9. CAPTIONS AND PARAGRAPH HEADINGS. Captions and paragraph headings contained in this Agreement are for convenience and reference only and in no way define, describe, extend, or limit the scope or intent of this Agreement, nor the intent of any provisions hereof.
10. NO WAIVER. No waiver of any provision of this Agreement shall be effective unless it is in writing, signed by the party against whom it is asserted, and any such written waiver shall only be applicable to the specific instance to which it relates and shall not be deemed to be a continuing or future waiver.
11. EXHIBITS. All Exhibits attached hereto contain additional terms of this Agreement and are incorporated herein by reference.
12. FURTHER ASSURANCES. The parties hereby agree to execute, acknowledge, and deliver and cause to be done, executed, acknowledged, and delivered all further assurances and to perform such acts as shall reasonably be requested of them in order to carry out this Agreement.
13. ASSIGNMENT AND ASSUMPTION. DEVELOPER may assign all or any portion of its obligations pursuant to this Agreement to a grantee of the fee title to all or any

portion of the property described in Exhibit "A." DEVELOPER agrees that any assignment shall contain a provision which clearly states that such assignment is subject to the obligations of this Agreement and recorded in the public records of Broward County, Florida.

14. AMENDMENTS. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by the COUNTY and DEVELOPER.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have made and executed this Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, and DEVELOPER, signing by and through its \_\_\_\_\_ duly authorized to execute same.

**COUNTY**

ATTEST:

BROWARD COUNTY, through its  
BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
County Administrator, as Ex-  
Officio Clerk of the Board of  
County Commissioners of  
Broward County, Florida

By \_\_\_\_\_  
Mayor

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

Approved as to form by  
Office of County Attorney  
Broward County, Florida  
Governmental Center, Suite 423  
115 South Andrews Avenue  
Fort Lauderdale, Florida 33301  
Telephone: (954) 357-7600  
Telecopier: (954) 357-6968

By \_\_\_\_\_  
Assistant County Attorney

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

## DEVELOPER-INDIVIDUAL

Witnesses:

(Signature) \_\_\_\_\_  
Print name: \_\_\_\_\_

(Signature)  
Print name: \_\_\_\_\_

Name of Developer (Individual)

(Signature) \_\_\_\_\_  
 Print name: \_\_\_\_\_  
 Print address: \_\_\_\_\_

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

### ACKNOWLEDGMENT - INDIVIDUAL

STATE OF )  
COUNTY OF ) SS.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ who is \_\_\_\_\_

☐ personally known to me, or  
☐ produced identification. Type of identification produced \_\_\_\_\_.

NOTARY PUBLIC:

(Seal)

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Print name: \_\_\_\_\_

My commission expires:



**DEVELOPER-CORPORATION/PARTNERSHIP**

Witnesses (if partnership):

\_\_\_\_\_  
(Signature)  
Print name:\_\_\_\_\_

\_\_\_\_\_  
(Signature)  
Print name:\_\_\_\_\_

\_\_\_\_\_  
Name of Developer (corporation/partnership)

By \_\_\_\_\_  
(Signature)  
Print name:\_\_\_\_\_  
Title:\_\_\_\_\_  
Address:\_\_\_\_\_

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

ATTEST (if corporation):

\_\_\_\_\_  
(Secretary Signature)  
Print Name of Secretary:\_\_\_\_\_

(CORPORATE SEAL)

**ACKNOWLEDGMENT - CORPORATION/PARTNERSHIP**

STATE OF                    )  
                                  ) SS.  
COUNTY OF                )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_ corporation/partnership, on behalf of the corporation/ partnership. He or she is:

- ☐ personally known to me, or  
☐ produced identification. Type of identification produced \_\_\_\_\_.

(Seal)

NOTARY PUBLIC:

My commission expires:

\_\_\_\_\_  
Print name:

**MORTGAGEE-INDIVIDUAL**

Mortgagee, being the holder of a mortgage relating to the parcel(s) described in Exhibit "A" hereby consents and joins in for the purpose of agreeing that its mortgage shall be subordinated to the foregoing Agreement.

Witnesses:

(Signature) \_\_\_\_\_  
Print name: \_\_\_\_\_

Name of Mortgagee (Individual)

(Signature)  
Print name: \_\_\_\_\_

(Signature) \_\_\_\_\_  
 Print name: \_\_\_\_\_  
 Print address: \_\_\_\_\_

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

### ACKNOWLEDGMENT - INDIVIDUAL

STATE OF )  
 ) SS.  
COUNTY OF )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ who is \_\_\_\_\_

☐ personally known to me, or  
☐ produced identification. Type of identification produced \_\_\_\_\_.

NOTARY PUBLIC:

(Seal)

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Print name: \_\_\_\_\_

My commission expires:



**MORTGAGEE-CORPORATION/PARTNERSHIP**

Mortgagee, being the holder of a mortgage relating to the parcel(s) described in Exhibit "A" hereby consents and joins in for the purpose of agreeing that its mortgage shall be subordinated to the foregoing Agreement.

Witnesses (if partnership):

\_\_\_\_\_  
(Signature)  
Print name: \_\_\_\_\_

\_\_\_\_\_  
(Signature)  
Print name: \_\_\_\_\_

\_\_\_\_\_  
Name of Mortgagee (corporation/partnership)

By \_\_\_\_\_  
(Signature)  
Print name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

ATTEST (if corporation):

\_\_\_\_\_  
(Secretary Signature)  
Print Name of Secretary: \_\_\_\_\_

(CORPORATE SEAL)

**ACKNOWLEDGMENT - CORPORATION/PARTNERSHIP**

STATE OF                    )  
                                  ) SS.  
COUNTY OF                )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_ corporation/partnership, on behalf of the corporation/ partnership. He or she is:

- ☐ personally known to me, or  
☐ produced identification. Type of identification produced \_\_\_\_\_.

NOTARY PUBLIC:

(Seal)

My commission expires:

\_\_\_\_\_  
Print name:

**EXHIBIT "A"**

(Legal Description of Property Owned by Developer  
in fee Simple)

**LAND DESCRIPTION**

A PORTION ON OF TRACT A, PALM AIRE CYPRESS COURSE ESTATES, 4TH SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 118, AT PAGE 36, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT A; THENCE SOUTH 02 DEGREES 16'42" EAST FOR 304.44 FEET; THENCE SOUTH 04 DEGREES 33'52" WEST FOR 75.5 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 04 DEGREES 33'52" WEST FOR 25.18 FEET; THENCE SOUTH 02 DEGREES 16'42" EAST FOR 200.00 FEET; THENCE SOUTH 43 DEGREES 18'33" WEST FOR 57.15 FEET; THENCE SOUTH 88 DEGREES 53'48" WEST FOR 25.00 FEET; THENCE NORTH 79 DEGREES 47'36" WEST FOR 61.19 FEET; THENCE SOUTH 88 DEGREES 53'48" WEST FOR 50.00 FEET; THENCE SOUTH 77 DEGREES 35'13" WEST FOR 40.79 FEET; THENCE NORTH 01 DEGREES 06'12" WEST FEET 91.00 FEET; THENCE NORTH 35 DEGREES 02'01" EAST FOR 209.25 FEET; THENCE NORTH 87 DEGREES 43'18" EAST FOR 90.00 FEET TO THE POINT OF BEGINNING.

### Legislation Details (With Text)

<b>File #:</b>	20-1290	<b>Version:</b>	1
		<b>Status:</b>	Agenda Ready
<b>File created:</b>	7/28/2020	<b>In control:</b>	QUASI-JUDICIAL HEARING
<b>On agenda:</b>	9/10/2020	<b>Final action:</b>	
<b>Title:</b>	MOTION TO APPROVE non-vehicular access line amendment on the Palm Aire Cypress Course Estates 4th Section (126-MP-81). (Commission District 2)		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Exhibit 1 - Staff Report, 2. Exhibit 2 - Location Map, 3. Exhibit 3 - City Letter, 4. Exhibit 4 - Highway Construction and Engineering Division Memorandum, 5. Exhibit 5 - Application		

Date	Ver.	Action By	Action	Result
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## Broward County Commission Regular Meeting

**Director's Name:** Leonard Vialpando

**Department:** Environmental Protection      **Division:** Planning & Development Mgt. (Quasi)

## Information

### Requested Action

**MOTION TO APPROVE** non-vehicular access line amendment on the Palm Aire Cypress Course Estates 4<sup>th</sup> Section (126-MP-81). **(Commission District 2)**

### Why Action is Necessary

Chapter 5, Article IX of the Broward County Code of Ordinances (The Broward County Land Development Code) requires changes to previously approved or recorded plats to be approved by the Board of County Commissioners.

### What Action Accomplishes

Approves a non-vehicular access line amendment adjacent to the plat, subject to staff recommendations and conditions assuring compliance with the standards and requirements of the Broward County Land Development Code.

**Is this Action Goal Related**

No

### Previous Action Taken

None.

### Summary Explanation/Background

THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT AND THE PLANNING AND DEVELOPMENT MANAGEMENT DIVISION RECOMMEND APPROVAL OF THE



ABOVE MOTION, subject to staff recommendations and conditions.

This plat is located on 66.8 acres on the northwest corner of Southwest 36 Avenue and McNab Road, in the City of Pompano Beach. The applicant is requesting a 53-foot fire access opening located 21.03 feet north of the corner of Northwest 21 Avenue; a 25-foot opening located 83.06 feet north of the fire access and a 32-foot opening located on McNab 134.78 feet from the northwest corner of the plat. The Development Review Report is attached as Exhibit 1.

**Source of Additional Information**

Josie P. Sesodia, AICP, Director, Planning and Development Management Division, (954) 357-6602

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

No fiscal impact.



Environmental Protection and Growth Management Department

**PLANNING AND DEVELOPMENT MANAGEMENT DIVISION**

1 N. University Drive, Box 102, Plantation, FL 33324 T: 954-357-8695 F: 954-357-6521

**DEVELOPMENT REVIEW REPORT FOR A PLAT NON-VEHICULAR ACCESS LINE AMENDMENT**

Project Description			
Plat Name:	Palm Aire Cypress Course Estates 4 <sup>th</sup> Section	Number:	126-MP-81
Application Type:	Amend Non-Vehicular Access Line (NVAL)	Legistar Number:	20-1290
Applicant:	City of Pompano Beach	Commission District:	2
Agent:	KEITH	Section/Twn./Range:	05 & 08/49/42
Location:	Northwest corner of Northwest 21 Avenue and McNab Road	Platted Area:	15 Acres
Municipality:	Coconut Creek	Gross Area:	N/A
Previous Plat:	N/A	Replat:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Meeting Date:	September 10, 2020	Action Deadline:	N/A

A location map showing this Plat and parcels designated within the plat for the purpose of assigning development entitlement is attached as **Exhibit 2**.

The Application is attached as **Exhibit 5**. The Planning and Development Management Division (PDMD) distributed the application to agencies for review, as required by Sec. 5-181 of the Land Development Code.

Platting History and Development Rights			
Plat Board Approval:	April 6, 1982	Plat Book and Page Number:	118-36
Plat Recorded:	January 18, 1984	Current Instrument Number:	115316831
Plat Note Restriction			
Original Plat:	1,000 high-rise units on 66.8 acres.		
Current Note:	208 one-bedroom garden apartments, 172 two-bedroom garden apartments and 36 three-bedroom garden apartments on Parcels 1, 2 and 3. Tract A-1 is restricted to a Special Residential Facility Category 3 as defined by the Broward County Land Use Plan with 440 sleeping rooms (220 unit equivalents) and a 151 bed nursing home. The units constructed on this plat are either to be solely occupied by persons 62 years of age or older; or at least 80% of the units are to be occupied by at least one person 55 years of age or older per unit. Tract A-2 is restricted to 28 single family units. Tract A-3 is restricted to a 20,000 square foot fire station.		
Existing NVAL:	No openings in the NVAL have been currently approved on Tract A-3.		
Proposed NVAL:	Request is for three (3) new openings in the NVAL on Tract 3-A to provide access and on-site circulation for a proposed Fire Station located at the NW		

	<p>corner of NW 21 Avenue and McNab Road.</p> <ol style="list-style-type: none"><li>1) NW 21 Avenue 53 feet wide, located 21.03 feet north of the NW corner;</li><li>2) NW 21 Avenue 25 feet wide, located 83.06 feet north of the fire access;</li><li>3) McNab Road 32 feet wide, located 134.78 feet west of the NW corner.</li></ol> <p>Specific locations are shown and described in <b>Exhibit 5</b>.</p>
Extensions:	Not Applicable

**1. Access**

Staff from the Highway Construction and Engineering Division and the Transit Division have reviewed this request and recommend **APPROVAL** subject to the conditions contained in the attached memorandum in **Exhibit 4**. This request shall meet the standards of the Broward County Land Development Code at the time of permit.

**2. Municipal Review**

The City of Pompano Beach has submitted a letter dated May 12, 2020 supporting the application, which is attached in **Exhibit 3**.

**RECOMMENDATIONS**

In addition, staff recommends that the Board authorize the Mayor to sign an order approving this agenda item subject to staff findings, conditions.

The applicant is advised that, in accordance with Section 125.022, Florida Statutes, the issuance of a development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

MR





**Commission District No. 2**  
**Municipality: Pompano Beach**  
**S/T/R: 05 & 08/49/42**



**126-MP-81**  
**Palm Aire Cypress**  
**Course Estates 4th Section**



0 400 800 1,600 Feet

Prepared by: Planning and Development Management Division  
 Date Flown: January 2020





# DEVELOPMENT SERVICES

David L. Recor, ICMA-CM, Development Services Director  
E: david.recor@copbfl.com | P: 954.786.4664 | F: 954.786.4504

May 12, 2020

Ms. Josie P. Sesodia, Director  
Planning and Development Management Division  
Environmental Protection and Growth Management  
Department  
1 North University Drive, Box 102A  
Plantation, FL 33324

RE: Plat Note Amendment, amending the NVAL for the Palm Aire Cypress Course  
Estates 4th Section Plat – Letter of No Objection

Ms. Sesodia:

The City of Pompano Beach has no objection to making a change to the Non Vehicular Access Line (NVAL) of the Palm Aire Cypress Course Estates 4th Section Plat (Plat Book 118, Page 36 of the public records of Broward County). The change to the Plat is, as follows:

## **NW 21 Avenue**

Existing: There is currently an NVAL line preventing access across the entire site frontage.

Proposed: Two access points as follows:

A 53 feet opening located 21.03 feet from the corner chord and a 25 feet opening located 83.06 feet north of the proposed 53 feet opening.

## **McNab Road**

Existing: There is currently an NVAL line preventing access across the entire site frontage.

Proposed: One access point as follows:

A 32 feet opening located 134.78 feet from the corner chord.

The City has no objection to these changes on the Plat. Pursuant to the City's Code of Ordinances (155.2410 G. 1.), the Development Services Director is authorized to approve


Letter of No Objection  
Development Services Department  
Planning and Zoning No. 20-14000006  
Page 2

minor deviations to Plats administratively. This plat note amendment concerning the NVAL change is minor in nature and has "no increase in the approved level of development." As a result, this request does not require the re-review by the City Commission.

If you have any questions, please contact Maggie Barszewski at 954-786-7921.

Yours truly,

**THE CITY OF POMPANO BEACH**

DocuSigned by:  
  
88979B3798D84E6...

David L. Recor, ICMA-CM  
Development Services Director





Public Works Department

**HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION**

1 N. University Drive, Box B300, Plantation, Florida 33324-2038 • 954-577-4555 • FAX 954-357-5715

**M E M O R A N D U M**

DATE: July 1, 2020

TO: Josie Sesodia, Director  
Planning and Development Management Division

FROM: David (D.G.) McGuire, Project Manager  
Plat Section, Highway Construction and Engineering Division

Noemi Hew, Planner  
Transportation Department, Service Development

SUBJECT: Delegation Request: Modify Conditions of Plat Approval  
(Amendment to Non-Vehicular Access Line)  
Palm Aire Cypress Course Estates 4<sup>th</sup> Section Plat  
(126-MP-81)

The Highway Construction and Engineering Division and the Transportation Department, Transit Division have reviewed the application for modifications to the conditions of plat approval for the subject plat. In part, the application is a request to amend the non-vehicular access line (NVAL) along NW 21<sup>st</sup> Avenue and McNab Road adjacent to the plat. Our review included the information contained in the application, the property survey, the site plan (or conceptual access plan), the recorded plat, and the Development Review Report approved by the County Commission, if available (Unavailable). Our review also included changes to the adjacent roadways and changes on the adjoining properties.

As a result of our review, staff has determined that new and amended plat requirements are necessary to ensure safe and adequate access between the adjoining Trafficway(s) and plat to comply with the adequacy standards of the Broward County Land Development Code. Staff recommends APPROVAL of the proposed NVAL amendment subject to the following:

Delegation Request: Modify Conditions (NVAL)  
Palm Aire Cypress Course Estates 4<sup>th</sup> Section Plat (126-MP-81)  
Page 2 of 6

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NON-VEHICULAR ACCESS LINE AMENDMENT AGREEMENT

1. The property owners of Tract A (Folio Number 494205060091) must fully execute the Amendment to Nonvehicular Access Lines Agreement (CAF #457) and submit it to the Highway Construction and Engineering Division for review and approval.
2. The applicant must prepare the legal descriptions for the Exhibits to the NVAL Amendment Agreement according to the details outlined in this report.
3. An Opinion of Title from an attorney or a Title Certificate from a title company must be submitted with the NVAL Amendment Agreement and must include the following information:
  - a. Same legal description as the affected portion of the recorded plat.
  - b. Record owner(s) name(s).
  - c. Mortgage holder(s) name(s) If none, it should so state.
  - d. Date through which records were searched (within 30 days of submittal).
  - e. Original signature and/or seal.
4. For properties held by partnerships or trusts, the applicant must submit copies of the partnership or trust documents, or an opinion from an attorney familiar with the partnership or trust listing the partner(s) or trustee(s) who may execute agreements and deeds.

NON VEHICULAR ACCESS LINE REQUIREMENTS

5. Exhibit "C" to the NVAL Amendment Agreement shall describe and illustrate a new non vehicular access line along NW 21st Avenue adjacent to the plat except at the following openings:
  - a. A 53-foot opening centered 46 feet north of the corner chord. This opening shall be labeled on Exhibit C: RIGHT TURNS ONLY.
  - b. A 25-foot opening centered approximately 169 feet north of the corner chord. This opening shall be labeled on Exhibit C: RIGHT TURNS ONLY.

Delegation Request: Modify Conditions (NVAL)  
Palm Aire Cypress Course Estates 4<sup>th</sup> Section Plat (126-MP-81)  
Page 3 of 6

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6. Exhibit "C" to the NVAL Amendment Agreement shall describe and illustrate a new non vehicular access line along McNab Road Avenue adjacent to the plat except at a 32-foot opening located approximately 151 feet west of the corner chord.

SIDEWALK REQUIREMENTS (Secure and Construct)

7. Along McNab Road and NW 21<sup>st</sup> Avenue adjacent to this plat.

COMMUNICATION CONDUIT/INTERCONNECT (Secure and Construct)

8. Construction of the required improvements shall include relocating or replacing any existing communication conduit/interconnect on McNab Road and NW 21<sup>st</sup> Avenue that may be damaged by construction. The security amount for communication conduit/interconnect must be approved by the Traffic Engineering Division.

SIGNALIZATION IMPROVEMENTS (Secure Construction)

9. Any necessary modifications to the existing traffic signal at the intersection of McNab Road and NW 21<sup>st</sup> Avenue to provide for the required improvements.

PAVEMENT MARKINGS AND SIGNS (Secure and Construct)

10. Construction of the required improvements shall include installation of signs and thermoplastic pavement markings. Pavement markings and signs shall be designed, fabricated, and installed in accordance with Traffic Engineering Division standards. The security amount for pavement markings and signs will be based on the approved construction plans or the approved engineer's cost estimate as outlined below. Design and installation of the required markers and/or signs are subject to approval by Florida Department of Transportation for projects located on a FDOT jurisdictional roadway.



## IMPROVEMENT AGREEMENT AND SECURITY REQUIREMENTS

11. Section 5-184(d)(2) of the Broward County Land Development Code requires a recordable agreement for the required improvements. The owner of this plat shall enter into the standard Installation of Required Improvements Agreement (CAF#450) and submit it to the Highway Construction and Engineering Division for review and approval prior to plat recordation. The completion date for all required improvements listed as Exhibit "B" shall indicate completion prior to issuance of Certificates of Occupancy. Alternate phasing schedules must receive prior approval from the Highway Construction & Engineering Division. The use of a non-standard agreement will require independent approval by the County Commission.
12. The Installation of Required Improvements Agreement shall be secured by letter of credit, cash, lien, or other security acceptable to the County. Security instruments for all required improvements shall be submitted prior to NVAL Amendment Agreement recordation and/or commencement of construction. Security amounts shall be based upon the one of the following:
  - a. Approved construction plans. When security is based on approved construction plans, the security will be calculated at one hundred (100%) percent of the cost of the improvements. Requirements for submitting construction plans are outlined below.
  - b. Engineer's cost estimate. When security is based on an engineer's cost estimate, the security will be calculated at one hundred twenty-five (125%) percent of the cost of the improvements. Engineer's cost estimate(s) must be submitted for review by the Highway Construction and Engineering Division. Use of approved cost estimate forms is required. Payment of the applicable review fee is required pursuant to Chapter 38.8 of the Broward County Administrative Code.
  - c. All forms are available on the Highway Construction & Engineering Division's web page at:

<http://www.broward.org/Publicworks/BCEngineering/Pages/Default.aspx>

Delegation Request: Modify Conditions (NVAL)  
Palm Aire Cypress Course Estates 4<sup>th</sup> Section Plat (126-MP-81)  
Page 5 of 6

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IMPROVEMENT PLAN SUBMITTAL (Pre-construction and Security Release Requirements)

13. Construction plans for the required improvements (including pavement marking and signing plans) shall be submitted to Highway Construction and Engineering Division for review, and must be approved prior to the commencement of construction. Construction shall be subject to inspection and approval by the County. Pavement marking and signing shall be provided for all of the Improvements and shall be subject to review, field inspections and final approval by the Traffic Engineering Division. Security for pavement markings and signing shall not be released without field inspection and final approval by the Traffic Engineering Division of all materials, installations and locations.
14. Communication Conduit/Interconnect plans (3 sets and a cost estimate) shall be submitted to the Traffic Engineering Division. Any easements necessary for relocation and maintenance of the conduit must be provided and shown on the submitted plans. No security shall be released without field inspection and final approval of all materials, installations and locations by the Traffic Engineering Division.

GENERAL RECOMMENDATIONS

15. Distance and measurement recommendations contained in this report were based on the best information available at the time of review. County staff may approve minor adjustments based on verified field conditions or details provided in approved construction plans.
16. All construction must include all necessary transitions to existing pavement, the lengths of which shall be determined by the design speed of the roadway. All designs, construction, studies, etc., shall conform to the applicable sections of the following:
  - a. United States Department of Transportation: "Manual on Uniform Traffic Control Devices" (MUTCD).
    - 1) State of Florida Department of Transportation:
    - 2) "Roadway and Traffic Design Standards."
    - 3) "Standard Specifications."
    - 4) "FDOT Transit Facilities Guidelines."

Delegation Request: Modify Conditions (NVAL)  
Palm Aire Cypress Course Estates 4<sup>th</sup> Section Plat (126-MP-81)  
Page 6 of 6

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- b. Broward County: "Minimum Construction Standards for Roadways Under Broward County Jurisdiction" (Exhibit 25A of Section 25.1, Broward County Administrative Code).

In addition, all designs for construction shall be certified by a Professional Engineer, registered in the State of Florida, that they meet the standards included above. All standard forms are available for downloading from the Highway Construction and Engineering Division's website:

<http://www.broward.org/Publicworks/BCEngineering/Pages/Default.aspx>.

- 17. The developer shall prepare and deliver all required documents, securities, deeds, easements, and agreement(s) within 18 months of approval of this Delegation Request. Failure to complete this process within the 18 month time frame shall render the approval of this Delegation Request null and void.

dgm



**Application to Change or Waive Requirements  
of the Broward County Land Development Code**

**INSTRUCTIONS**

This form is used to apply for changes or waivers to requirements of development permit applications processed under the Broward County Land Development Code. These include changes or waivers to the following:

**ROADWAY RELATED**

1. Non-Vehicular Access Lines
2. Roadway Improvements (such as turn lanes, busbays traffic signals, etc.)
3. Right-of-Way Dedications
4. Sidewalks and Paved Access
5. Design Criteria

**NON-ROADWAY RELATED**

6. Design Criteria
7. Waste Water Disposal/Source of Potable Water
8. Fire Protection
9. Parks and/or School Dedications
10. Impact/Concurrency Fee(s)
11. Environmental Impact Report
12. Other Changes

For your application to be officially accepted for processing and scheduled for a County Commission meeting, you must complete this application in full. The owner/agent certification (on the reverse side of this form) must be signed and notarized with the appropriate documentation attached. Please type this application or print legibly in **black ink**.

**PROJECT INFORMATION**

Plat/Site Plan Name Palm Aire Cypress Course Estates 4th Section  
Plat/Site Plan Number 126-MP-81 Plat Book - Page 118/36 (If recorded)  
Owner/Applicant City of Pompano Beach Phone 954.786.7921  
Address 100 W. Atlantic Blvd. City Pompano Beach State FL Zip Code 33060  
Owner's E-mail Address Maggie.Barszewski@copbfl.com Fax # NA  
Agent KEITH Phone 954-788-3400  
Contact Person James Kahn  
Address 301 E. Atlantic Blvd. City Pompano Beach State FL Zip Code 33060  
Agent's E-mail Address jkahn@keithteam.com Fax # NA

**PROPOSED CHANGES**

Use this space below to provide the following information and clearly describe the proposed changes you are requesting. If you are requesting changes to a specific staff recommendation(s) listed in a Development Review Report, please specify the staff recommendation number(s). If you are requesting a waiver or variation of a provision of the Land Development Code, please cite the specific section(s).

Staff Recommendation No(s) \_\_\_\_\_

Land Development Code citation(s) \_\_\_\_\_

Have you contacted anyone in County Government regarding this request? ☐ Yes ☒ No

If yes, indicate name(s), department and date \_\_\_\_\_

Narrative explaining proposed changes in detail including the desired result and justification for the request (attach additional sheet if necessary):

See attached narrative to provide access to proposed fire station

NW 21 Ave: no access currently: request 53' fire access 21.03' from corner  
and 25' for parking 83.06' north of fire access. McNab Rd: no access  
currently propose fire access of 32' located 134.78' from corner.

**Please see the reverse side of this form for Required Documentation  
and Owner/Agent Certification**



**REQUIRED DOCUMENTATION:** Submit one (1) original of each document and electronic copy of each item listed below. Each document listed below must also be submitted electronically as a separate pdf on a CD, flash drive, etc. Exhibit 5 Page 2 of 8

All requests listed on this application must include the following documents:

- **Letter from the applicable municipality**, dated within six (6) months of this application, stating the city's position on this request.
- **Approved or recorded plat** (a survey and site plan may be accepted for single family and duplex applications. Please consult with Planning and Development Management Division staff).
- **A check for the application fees** (if applicable) made payable to: Broward County Board of County Commissioners. Please consult the Development Permit Application Fee Schedule.

For **ROADWAY RELATED** items (1 through 5) listed under **INSTRUCTIONS** on Page 1 of this form, the following additional documents are also required:

- **The proposed site plan (2 original)** which shows, at a minimum, the on-site traffic circulation system, adjacent roadway details, and the location of all existing and proposed driveway(s). The site plan must provide relevant dimensions and must be drawn to scale.
- **Signed and sealed drawings (2 original)** clearly illustrating the proposed change(s). The drawings must provide relevant dimensions and must be drawn to scale.
- **A valid Pre-Application approval letter from the Florida Department of Transportation is required for all roadway and/or access related applications which about a Trafficway that is functionally classified as a State Road.** This requirement includes the creation or amendment of vehicular access and/or any improvements requiring permits from the State.

For **NON-ROADWAY RELATED** items (6 through 12) listed under **INSTRUCTIONS** on Page 1 of this form, please consult with Planning and Development Management staff to determine any additional required documentation.

#### OWNER/AGENT CERTIFICATION

State of Florida

County of Broward

This is to certify that I am the owner/agent of the property described in this application and that all information supplied herein are true and correct to the best of my knowledge. By signing this application, owner/agent specifically agrees to allow access to the described property at reasonable times by County personnel for the purpose of verification of information provided by owner/agent.

Signature of owner/agent Jim Kahn

The foregoing instrument was acknowledged before me by means of ☒ physical presence or

☐ online notarization, this 30th day of April, 2020 (year)

By James Kahn (name of person acknowledging) who is

☒ personally known to me or ☐ has presented identification.

☐ Signature of Notary

Public Type or Print Name

Michael Vonder Meulen



#### FOR PLANNING AND DEVELOPMENT MANAGEMENT DIVISION USE ONLY

Time 12:01 pm Application Date 6-8-2020 Acceptance Date 6-8-2020

Comments Due 6-29-2020 C.C. Mtg. Date T.B.D. Fee \$ 2,410.00

Report Due TBD Adjacent City None

☒ Plats ☐ Site Plans/Drawings ☒ City Letter ☐ FDOT Letter

☐ Other (Describe) \_\_\_\_\_

Title of Request Note Amendment

Distribute to: ☒ Engineering ☒ Traffic Engineering ☒ Mass Transit

☐ Other \_\_\_\_\_ ☐ Other \_\_\_\_\_

Comments \_\_\_\_\_

Received by M. Randolph



April 29, 2020

JOSIE P. SESODIA, AICP DIRECTOR  
Environmental Protection and Growth Management Department  
PLANNING AND DEVELOPMENT MANAGEMENT DIVISION  
115 S. Andrews Ave. Room 329K  
Fort Lauderdale, FL 33301

RE: Non-Vehicular Access Line Amendment (NVAL)  
Palm Aire Cypress Course Estates 4<sup>th</sup> Section Plat (118/36)

Dear Mrs. Sesodia,

KEITH representing The City of Pompano Beach the owners of the proposed Fire Station 114 site and are requesting a NVAL amendment to provide access to the proposed Fire Station located on the NW corner of NW 21 Avenue and McNab Road (SW 15 Street). The station location is critical to providing efficient response to the area and the site currently does not have a permitted access point. The proposed request is for openings on both frontages to provide circulation on-site for rescue vehicles. The NW 21 Avenue has two proposed openings: one for rescue vehicles at 53 feet located 21.03 feet from the corner and a smaller opening of 25 feet, 83.06 feet north of the fire access for a parking area for responders and public. The McNab Road proposed opening is for rescue trucks and is 32 feet located 134.78 feet from the corner. Fire apparatus are proposed to be equipped with OptiCom Emergency Vehicle Pre-emption devices. Attached is the proposed site plan illustrating the access points.

Please do not hesitate to contact me with any questions,

Sincerely,

James Kahn, AICP

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Corporate Office 301 E Atlantic Blvd Pompano Beach FL 33060 954.788.3400	Miami-Dade County 2160 NW 82 Ave Doral FL 33122 305.667.5474	Broward County 2312 S Andrews Ave Fort Lauderdale FL 33316 954.788.3400	Palm Beach County 120 N. Federal Hwy Suite 208 Lake Worth, FL 33460 561.469.0992	St. Lucie County 2325 SE Patio Cir. Port St. Lucie FL 34952 954.788.3400	Orange County 2948 E Livingston St. Orlando FL 32803 954.788.3400
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July 13, 2020 / Page 2 of 2

Text Line 2  
Text Line 3

Cc: application to amend plat note  
Site plan exhibit





**LEGAL DESCRIPTION:**

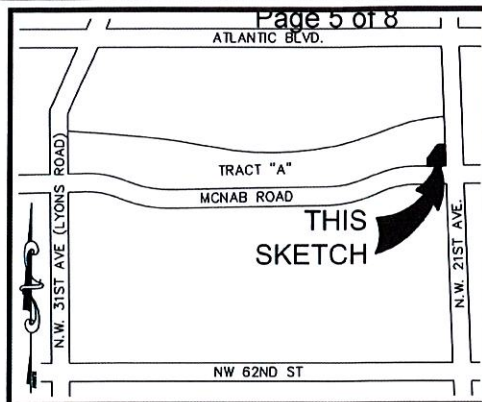
A PORTION OF THAT CERTAIN NON-VEHICULAR ACCESS LINE RUNNING ALONG THE EAST LINE AND A PORTION OF THE SOUTH LINE OF TRACT A, PALM AIRE CYPRESS COURSE ESTATES 4TH SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 118, AT PAGE 36, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT A;  
THENCE ALONG THE EAST LINE OF SAID TRACT A, AND SAID  
NON-VEHICULAR ACCESS LINE THE FOLLOWING FOUR (4) COURSES;

1. SOUTH 02°16'42" EAST, 304.44 FEET;
2. SOUTH 04°33'52" WEST, 100.72 FEET;
3. SOUTH 02°16'42" EAST, 200.00 FEET;
4. SOUTH 43°18'33" WEST, 57.15 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT "A" AND SAID NON-VEHICULAR ACCESS LINE; THENCE ALONG SAID SOUTH LINE AND NON-VEHICULAR ACCESS LINE THE FOLLOWING FIVE (5) COURSES;

1. SOUTH 88°53'48" WEST, 25.00 FEET;
2. NORTH 79°47'36" WEST, 61.19 FEET;
3. SOUTH 88°53'48" WEST, 50.00 FEET;
4. SOUTH 77°35'12" WEST, 61.19 FEET;
5. SOUTH 88°53'48" WEST, 161.03 FEET TO THE POINT OF TERMINUS OF SAID NON-VEHICULAR ACCESS LINE.

SAID LANDS SITUATE, LYING, AND BEING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA.



**LOCATION MAP:**  
NOT TO SCALE

**SURVEY NOTES:**

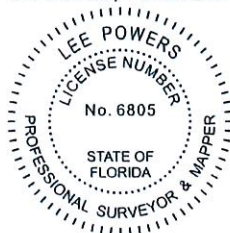
1. THE LEGAL DESCRIPTION SHOWN HEREON WAS SUPPLIED BY THE CLIENT.
2. KEITH AND ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION NUMBER IS L.B.#6860.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. IT IS A VIOLATION OF THE STANDARDS OF PRACTICE PURSUANT TO RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE TO ALTER THIS SURVEY WITHOUT THE EXPRESS PRIOR WRITTEN CONSENT OF THE SURVEYOR. ADDITIONS AND/OR DELETIONS MADE TO THE FACE OF THIS SURVEY WILL MAKE THIS SURVEY INVALID.
5. THIS SKETCH AND DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY.
6. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF SOUTH 02°16'42" WEST ALONG THE EAST LINE OF TRACT "A", PALM AIRE CYPRESS COURSE ESTATES 4TH SECTION, AS RECORDED IN PLAT BOOK 118, ON PAGE 36, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
7. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
8. THE INTENDED DISPLAY SCALE FOR THIS SKETCH IS 1"=100' OR SMALLER.

**CERTIFICATION:**

I HEREBY CERTIFY THAT THE ATTACHED SKETCH & DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS DEPICTED TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THE INFORMATION AS WRITTEN UNDER MY DIRECTION ON FEBRUARY 13, 2020 MEETS THE STANDARDS OF PRACTICE PURSUANT TO RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE AS APPLICABLE TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

KEITH & ASSOCIATES, INC.  
CONSULTING ENGINEERS

LEE POWERS  
PROFESSIONAL SURVEYOR AND MAPPER  
REGISTRATION No. 6805  
STATE OF FLORIDA



Digitally signed  
by Lee Powers  
Date: 2020.03.31  
10:47:05 -04'00'

**SKETCH & DESCRIPTION**

A PORTION OF THAT NON-VEHICULAR  
ACCESS LINE ALONG THE EAST & SOUTH  
LINES OF TRACT "A"  
PALM AIRE CYPRESS COURSE ESTATES  
4TH SECTION  
P.B. 118, PG. 36, B.C.R.  
POMPANO BEACH, BROWARD COUNTY, FLORIDA



301 EAST ATLANTIC BOULEVARD  
POMPANO BEACH, FLORIDA 33060-6643  
(954) 788-3400 FAX (954) 788-3500  
EMAIL: mail@KEITHteam.com LB NO. 6860

SHEET 1 OF 2

DRAWING NO. 10785.05-SKETCH & DESCRIPTION.DWG

DATE 02/13/20

SCALE 1"=100'

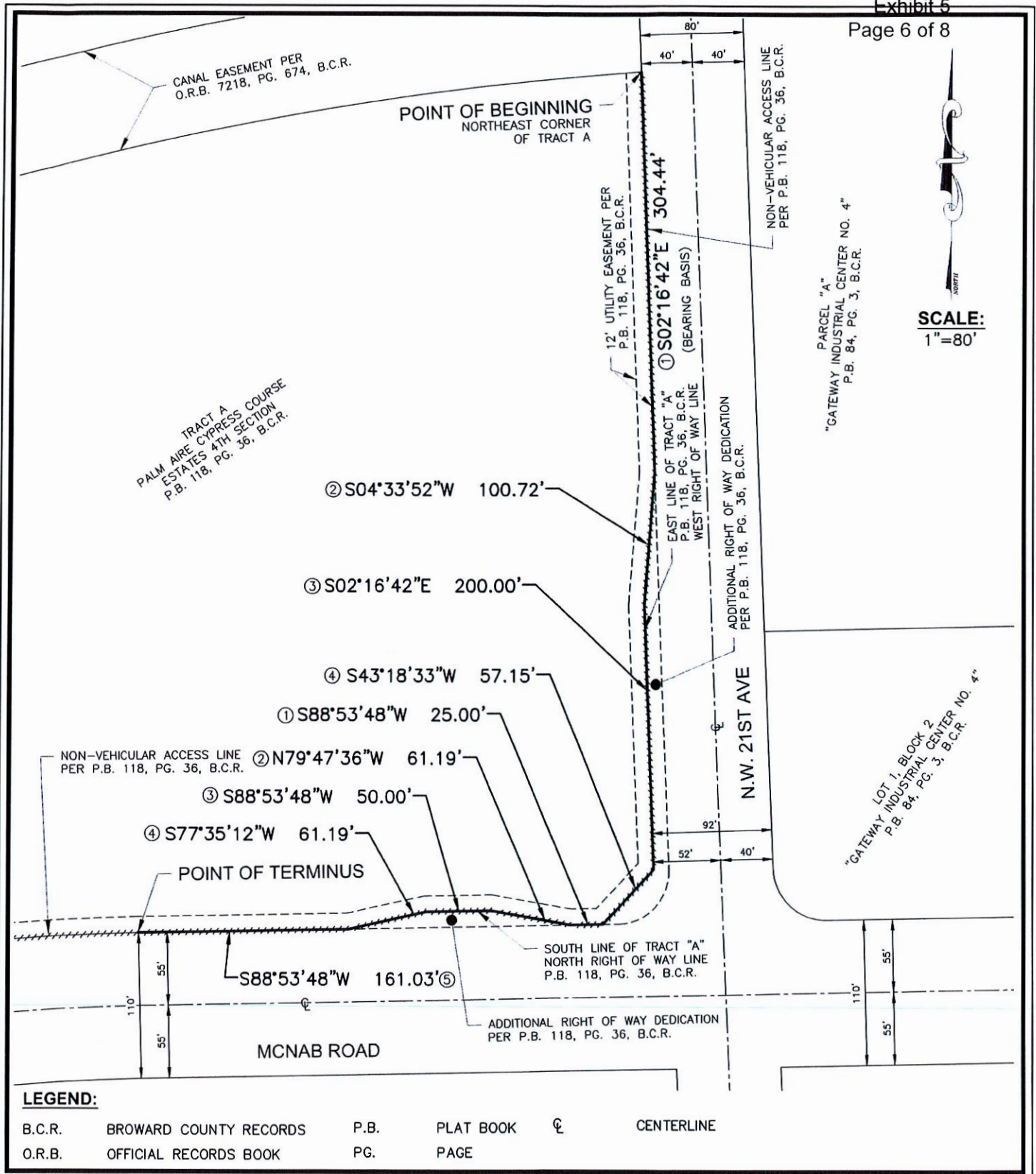
FIELD BK. N/A

DWG. BY DDB

CHK. BY LP

DATE REVISIONS





### SKETCH & DESCRIPTION

A PORTION OF THAT NON-VEHICULAR  
ACCESS LINE ALONG THE EAST & SOUTH  
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P.B. 118, PG. 36, B.C.R.  
POMPANO BEACH, BROWARD COUNTY, FLORIDA



301 EAST ATLANTIC BOULEVARD  
POMPANO BEACH, FLORIDA 33060-6643  
(954) 788-3400 FAX (954) 788-3500  
EMAIL: mail@KEITHteam.com LB NO. 6860

SHEET 2 OF 2

DRAWING NO. 10785.05-SKETCH & DESCRIPTION.DWG

DATE 02/13/20

SCALE 1"=100'

FIELD BK. N/A

DWG. BY DDB

CHK. BY LP

DATE REVISIONS
