



Legislation Details (With Text)

**File #:** 17-557      **Version:** 3      **Name:**  
**Type:** Ordinance / Regular Agenda      **Status:** Passed  
**File created:** 7/9/2017      **In control:** City Commission  
**On agenda:** 10/10/2017      **Final action:** 10/10/2017  
**Title:** P.H. 2017-83: (PUBLIC HEARING 2ND READING)  
 AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A PORTION OF THE RIGHT-OF-WAY CONSISTING OF VARIOUS WIDTHS ADJACENT TO SW 9TH AVENUE, LYING EAST OF I-95 AND NORTH OF THE INTERSECTION OF SW 9TH AVENUE AND SW 8TH STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
 (Fiscal Impact: N/A)

FIRST READING: SEPTEMBER 26, 2017

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Dev Svc Memo# 17-282, 2. City Attorney Memo, 3. Ordinance, 4. Exhibits A & B of Ordinance, 5. P&Z Approval Memo 16-069, 6. Staff Report, 7. Sept. 28, 2016 P&Z Minutes Except, 8. Colquhoun Letter In Favor of Abandonment, 9. Request for Reconsideration Memo 16-437, 10. Oct.26 P&Z Minutes Except, 11. Application

Date	Ver.	Action By	Action	Result
10/10/2017	3	City Commission	ADOPTED	Pass
9/26/2017	2	City Commission	APPROVED FIRST READING	Pass
7/25/2017	1	City Commission	TABLED	Pass

**P.H. 2017-83: (PUBLIC HEARING 2ND READING)**  
 AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A PORTION OF THE RIGHT-OF-WAY CONSISTING OF VARIOUS WIDTHS ADJACENT TO SW 9TH AVENUE, LYING EAST OF I-95 AND NORTH OF THE INTERSECTION OF SW 9TH AVENUE AND SW 8TH STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
 (Fiscal Impact: N/A)

**FIRST READING: SEPTEMBER 26, 2017**

**(Staff Contact:** Maggie Barszewski/David Recor)

**Summary Explanation/Background:**

The Applicant and owner, Jean Emanuel, is requesting the abandonment of a .32 acre portion of SW 9th Avenue located to the north of the intersection of SW 9th Avenue and SW 8th Street, lying east of the I-95 wall. The width of the right-of-way varies from 60-feet to 30-feet. The right-of-way was never developed nor used as a street. This request was heard initially at the September 28, 2016 Planning & Zoning (P&Z) Board (see attached Minutes) where the Board unanimously recommended approval of the request; however they only approved half of the requested length. The reasoning of the Board was to accommodate a neighbor to the south (Mr. Machel Colquhoun) that would have received additional property if the abandonment was approved as advertised. During the meeting, Mr. Colquhoun objected to the abandonment, since he did not want the additional property. The day after that meeting, September 29, 2016, staff received an email from Mr.

Colquhoun rescinding his objection to the full-length abandonment, and instead saying he was now in favor of receiving the additional property (see attached letter). Staff then prepared a memo to the P&Z Board requesting a reconsideration of the abandonment request at the next meeting (see attached Memo # 16-437). At the October 26, 2016 P&Z Meeting, the Board unanimously recommended approval of the full abandonment request with two conditions (see attached Minutes). The two conditions were that prior to placement on a City Commission agenda: all comments are received from each service provider, or until 60 days from the date of this recommendation, whichever occurs first; and an easement shall be included in the Ordinance that satisfies the Engineering & Utility Departments. Both conditions have been met.

**Origin of request for this action:** Jean C. Emmanuel

**Fiscal impact and source of funding:** N/A