



Legislation Text

File #: LN-614, Version: 1

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.