

## Legislation Details (With Text)

<b>File #:</b>	17-385	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance / Regular Agenda		<b>Status:</b>	Passed	
<b>File created:</b>	4/13/2017		<b>In control:</b>	City Commission	
<b>On agenda:</b>	5/9/2017		<b>Final action:</b>	5/9/2017	
<b>Title:</b>	<p>P.H. 2017-51: (PUBLIC HEARING 2ND READING) AN ORDINANCE OF THE CITY OF POMPAÑO BEACH, FLORIDA, ABANDONING A CERTAIN FIFTY-FIVE FOOT WIDE PORTION OF THE RIGHT-OF-WAY FOR RIVERSIDE DRIVE LYING SOUTH OF ATLANTIC BLVD, EAST OF THE INTRACOASTAL AND NORTH OF SE 2 STREET; PROVIDING FOR AN ALLEY AND SIDEWALK DEDICATION TO THE CITY OF A PORTION OF THE PROPERTY LOCATED AT 105 HIBICUS AVE; PROVIDING FOR THE APPROVAL OF A UTILITY AGREEMENT WITH TSATAS ACQUISITIONS, LLC OUTLINING THE MAINTENANCE AND OWNERSHIP OBLIGATIONS OF THE EXISTING UTILITIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)</p> <p>FIRST READING: APRIL 25, 2017</p>				

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. City Attorney Memo, 2. Ordinance, 3. Exhibit A - Legal Description of Abandoned Property, 4. Exhibit B - Access Easement Agreement, 5. Exhibit C - Alley & Sidewalk Dedication, 6. Exhibit D - Temporary Construction Easement Agreement, 7. Exhibit E - Utilities Agreement, 8. P & Z Memo 16-015, 9. Letter from R. Barros, 10. Letter from Zielinski, 11. Staff Report, 12. Major Site Plan Development Order No. 15-000011, 13. Site Plan with Color-coded Easements & Dedications, 14. P&Z March 23, 2016 Meeting Minutes Except

Date	Ver.	Action By	Action	Result
5/9/2017	1	City Commission	ADOPTED	Pass
4/25/2017	1	City Commission	APPROVED FIRST READING	Pass

### P.H. 2017-51: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY OF POMpano BEACH, FLORIDA, ABANDONING A CERTAIN FIFTY-FIVE FOOT WIDE PORTION OF THE RIGHT-OF-WAY FOR RIVERSIDE DRIVE LYING SOUTH OF ATLANTIC BLVD, EAST OF THE INTRACOASTAL AND NORTH OF SE 2 STREET; PROVIDING FOR AN ALLEY AND SIDEWALK DEDICATION TO THE CITY OF A PORTION OF THE PROPERTY LOCATED AT 105 HIBICUS AVE; PROVIDING FOR THE APPROVAL OF A UTILITY AGREEMENT WITH TSATAS ACQUISITIONS, LLC OUTLINING THE MAINTENANCE AND OWNERSHIP OBLIGATIONS OF THE EXISTING UTILITIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

### FIRST READING: APRIL 25, 2017

(Staff Contact: Maggie Barszewski/Robin Bird)

### Summary Explanation/Background:

The Applicant is requesting to vacate 237 feet of S. Riverside Drive, which is a 55-foot wide right-of-way. The

northern boundary of the request is Atlantic Blvd. and the southern boundary is where the southerly line of property located at 101 S. Riverside Drive meets S. Riverside Drive. The intent is to consolidate the two properties lying on each side of S. Riverside Drive that are owned by the applicant so that a more desirable layout can be achieved for the development of two restaurants and a retail structure to be called the Riverside Promenade. A Major Site Plan was approved on May 25, 2016 (see attached Development Order), with this abandonment being a condition prior to building permit submittal. The Site Plan demonstrates that the proposed portion of S Riverside Drive to be abandoned, would remain accessible to the public, including to those accessing property located along S. Riverside Drive. The Ordinance includes an alley and sidewalk dedication, sidewalk easements, and a Utility Agreement (see Site Plan with Color-coded Easements & Dedications). The request was heard at the March 23, 2016 Planning & Zoning Board hearing (see attached minutes) and unanimously recommended for approval with 8 conditions (see attached P&Z Memo 16-015). Conditions 1 & 2 have been met and the Ordinance has clauses to ensure that the applicant will meet all responsibilities required in conditions 3-8.

**Origin of request for this action:** Julio Montaner of South East Architects, Inc., on behalf of Tsatas Acquisitions, LLC.

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