

Meeting Date: January 13, 2015

Agenda Item 23

REQUESTED COMMISSION ACTION: **QUASI-JUDICIAL**

Consent     Ordinance     Resolution     Consideration     Workshop

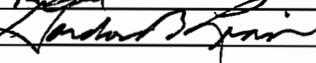
SHORT TITLE    AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A TWO (2) FOOT PORTION OF A SIX (6) FOOT UTILITY EASEMENT LOCATED NEAR THE NORTHWEST CORNER OF SE 3<sup>RD</sup> STREET AND SE 15<sup>TH</sup> AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

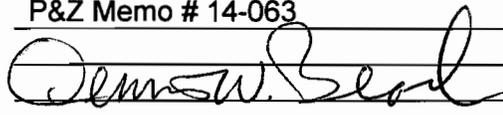
The Petitioner is requesting to abandon a two-foot portion of a six-foot utility easement located at 1433 SE 3<sup>rd</sup> Street. There is an existing pool encroaching into the easement and the applicant desires to ensure clearance of the easement for that structure. There are no utilities within the abandonment area. This request was recommended for approval unanimously by the Planning & Zoning Board.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Amy Sanders, Property Owner
- (2) Primary staff contact: Maggie Barszewski / Robin Bird Ext. 7921
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	9/15/2014	Approval	P&Z # 14-409 
City Attorney	12/2/2014		CAC # 2015-280 

Planning & Zoning Board    P&Z Memo # 14-063

City Manager     

ACTION TAKEN BY COMMISSION:

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>	<u>Workshop</u>
1 <sup>st</sup> Reading	1st Reading	Results:	Results:
2 <sup>nd</sup> Reading			



**City Attorney's Communication #2015-280**

December 2, 2014

**TO:** Maggie Barszewski, AICP, Planner  
**FROM:** Gordon B. Linn, City Attorney  
**RE:** Ordinance Vacating a portion of a Platted Easement at 1433 SE 3<sup>rd</sup> Street

As requested in your memorandum of December 1, 2014, Department of Development Services Memorandum #14-463, the following form of ordinance, relative to the above-referenced matter, has been prepared and is attached:

**AN ORDINANCE OF THE CITY OF POMPANO BEACH,  
FLORIDA, ABANDONING A TWO (2) FOOT PORTION OF  
A SIX (6) FOOT UTILITY EASEMENT LOCATED NEAR  
THE NORTHWEST CORNER OF SE 3<sup>RD</sup> STREET AND SE  
15<sup>TH</sup> AVENUE; PROVIDING FOR SEVERABILITY;  
PROVIDING AN EFFECTIVE DATE.**

Please feel free to contact me if I may be of further assistance.

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GORDON B. LINN

GBL/jrm  
l:cor/dev-srv/2015-280

Attachment

ORDINANCE NO. 2015-\_\_\_\_\_

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A TWO (2) FOOT PORTION OF A SIX (6) FOOT UTILITY EASEMENT LOCATED NEAR THE NORTHWEST CORNER OF SE 3<sup>RD</sup> STREET AND SE 15<sup>TH</sup> AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City notifying the public of this proposed Ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

**WHEREAS**, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; and

**WHEREAS**, the City Commission has received a request for the abandonment of a two (2) foot portion of a six (6) foot utility easement located near the northwest corner of SE 3<sup>rd</sup> Street and SE 15<sup>th</sup> Avenue; and

**WHEREAS**, the Planning and Zoning Board has made its recommendation upon said request; now, therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** It is hereby found and determined by the City Commission that the public health, welfare, safety and necessity no longer require retention of any interest by the public in that certain utility easement as more fully described below.

**SECTION 2.** It is hereby further found and determined that abandonment and vacation of that certain utility easement will not have a detrimental effect upon the surrounding property or area.

**SECTION 3.** That the City of Pompano Beach does hereby abandon and vacate the following described utility easement:

**See Exhibit "A" attached hereto and incorporated herein as if set forth in full.**

**SECTION 4.** That the City Clerk is hereby instructed to record this Ordinance in the Public Records of Broward County, Florida.

**SECTION 5.** If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 6.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**MARY L. CHAMBERS, CITY CLERK**

GBL/jrm  
12/2/14  
L:ord/2015-125

## **Exhibit A**

### **Legal Description**

**ABANDONMENT OF PORTION OF A SIX (6) UTILITY  
EASEMENT AT THE REAR OF A LOT OF A PROPERTY  
BY THE PLANNING AND ZONING BOARD/ LOCAL  
PLANNING AGENCY BY MEMORANDUM #14-063,  
DESCRIBED AS FOLLOWS:**

**THE SOUTH TWO (2) FEET OF THE SIX (6) FEET  
UTILITY EASEMENT ON THE NORTH SIDE OF LOT 2,  
IN BLOCK 6 OF "SNUG HARBOR SECTION ONE,  
ACCORDING TO THE PLAT THEREOF AS RECORDED IN  
PLAT BOOK 36, PAGE 12, OF THE PUBLIC RECORDS  
OF BROWARD COUNTY, FLORIDA.**

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #14-063**

**DATE:** October 15, 2014  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** Abandonment – AMY SANDERS  
1433 SE 3<sup>rd</sup> ST  
P&Z# 14-27000003

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At the meeting of the Planning and Zoning Board/ Local Planning Agency held on September 24, 2014, the Board considered the request by **Amy Sanders** requesting ABANDONMENT of approximately 130 square feet of a utility easement at 1433 SE 3<sup>rd</sup> St.

It is the unanimous recommendation of the Board that the ABANDONMENT request be approved.

  
\_\_\_\_\_  
Jim Beeson  
Chairman  
Planning and Zoning Board/ Local Planning Agency

# MEMORANDUM

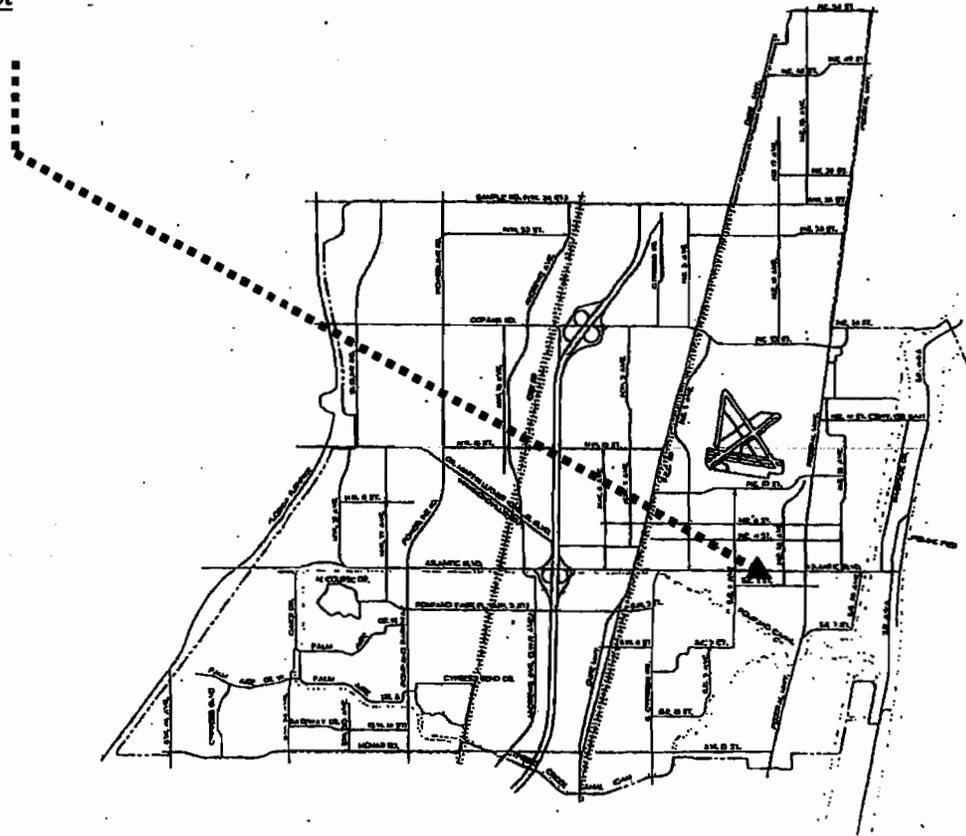
## Development Services

**MEMORANDUM NO. 14-409**

**DATE:** September 15, 2014  
**TO:** Planning & Zoning Board  
**VIA:** Robin M. Bird, Development Services Director  
**FROM:** Maggie Barszewski, AICP, Planner *MB*  
**RE:** Request to Vacate a portion of a Utility Easement for an Encroaching Patio  
Located at 1433 SE 3<sup>rd</sup> Street **P & Z # 14-27000008**

The Applicant is requesting a 2-foot portion of a 6-foot utility easement be abandoned at 1433 SE 3<sup>rd</sup> Street for an existing pool patio that encroaches into the easement. There are no utilities located within the 2-foot portion to be abandoned. The area to be abandoned is approximately 130 square feet.

1433 SE 3<sup>rd</sup> Street



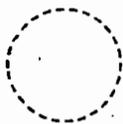
## LEGEND

### 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

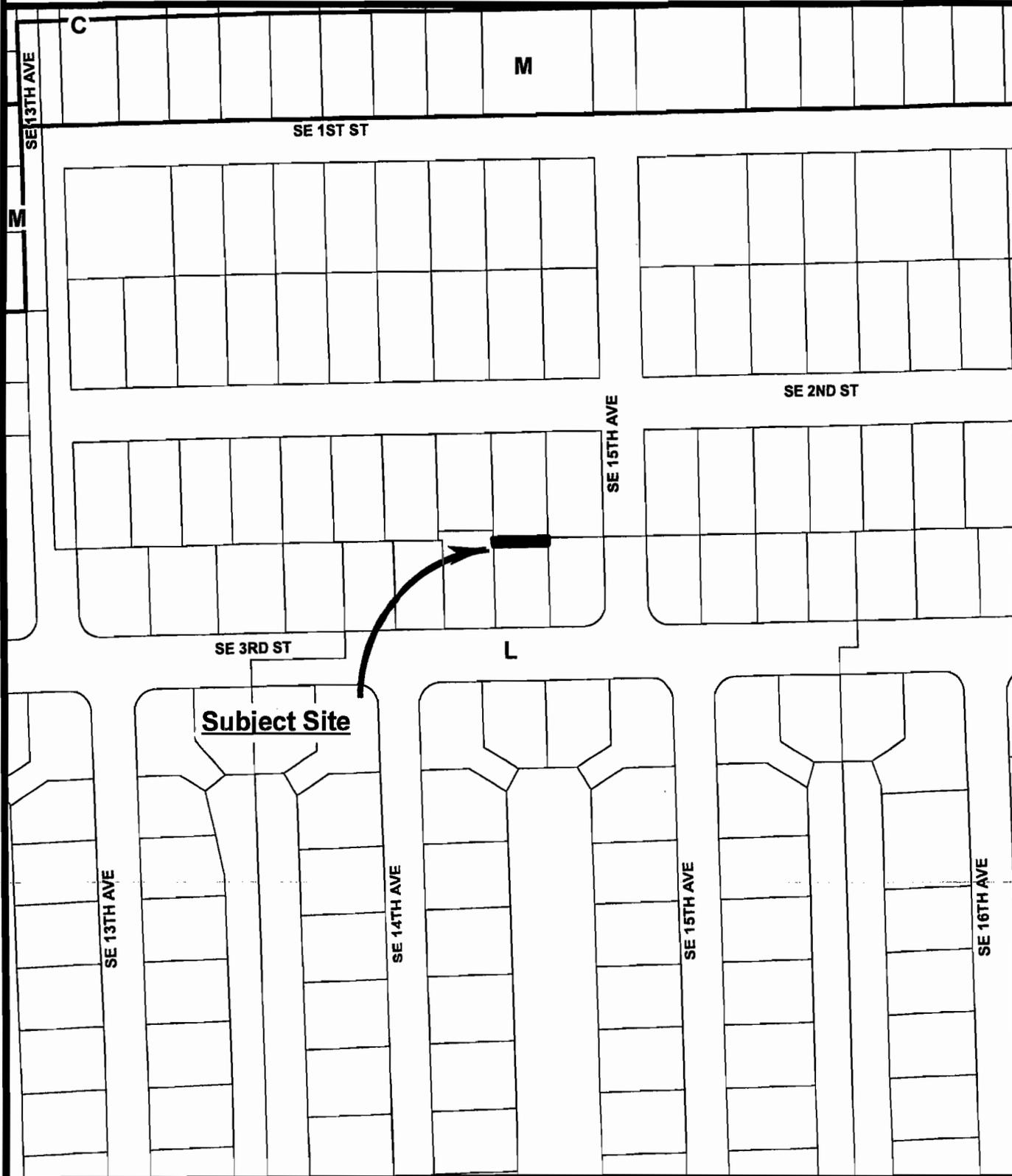
### FOR ZONING MAP

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

* Existing
> Proposed

# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 160 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH OFFICIAL ZONING MAP

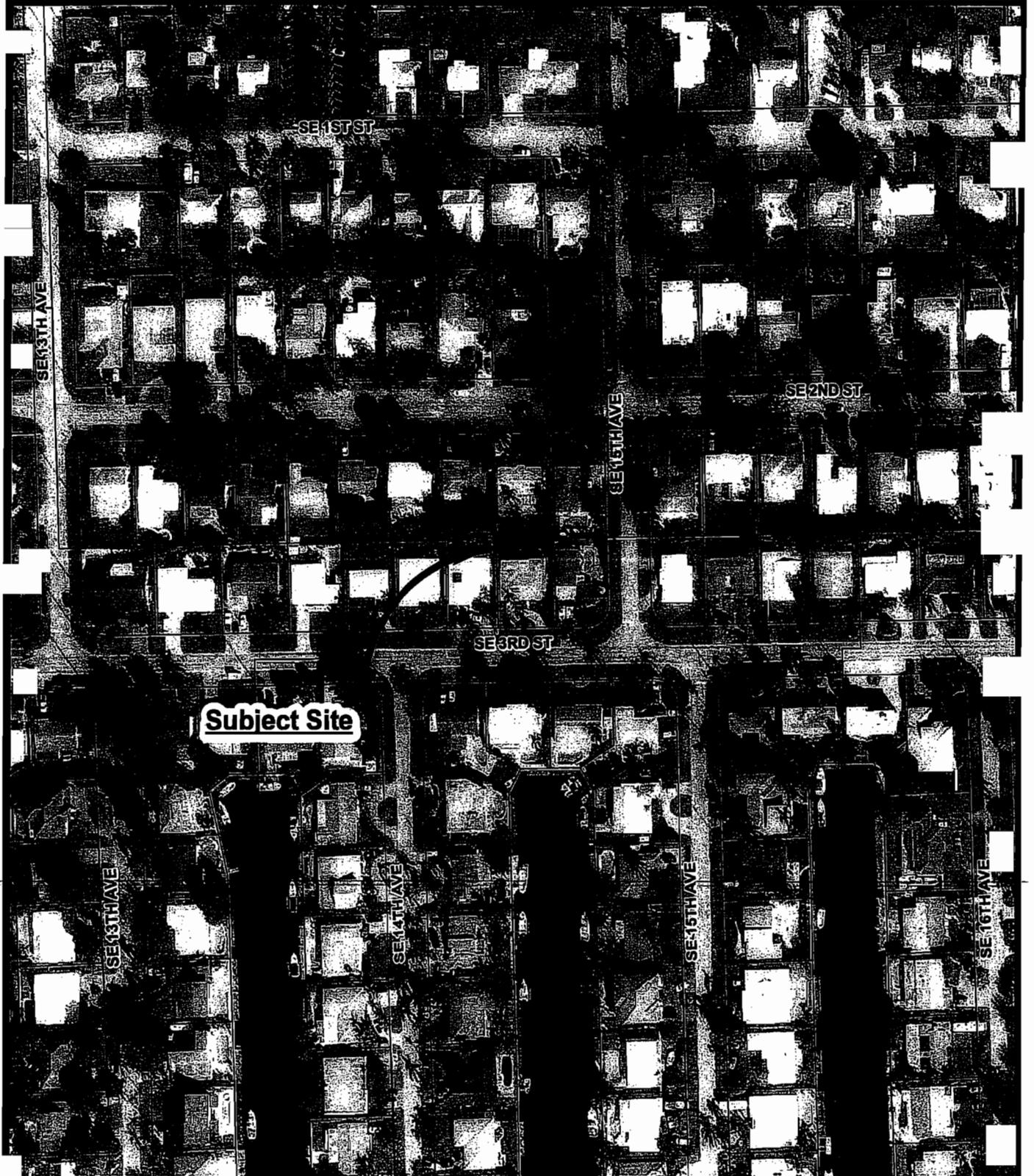


1 in = 160 ft

4

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH AERIAL MAP

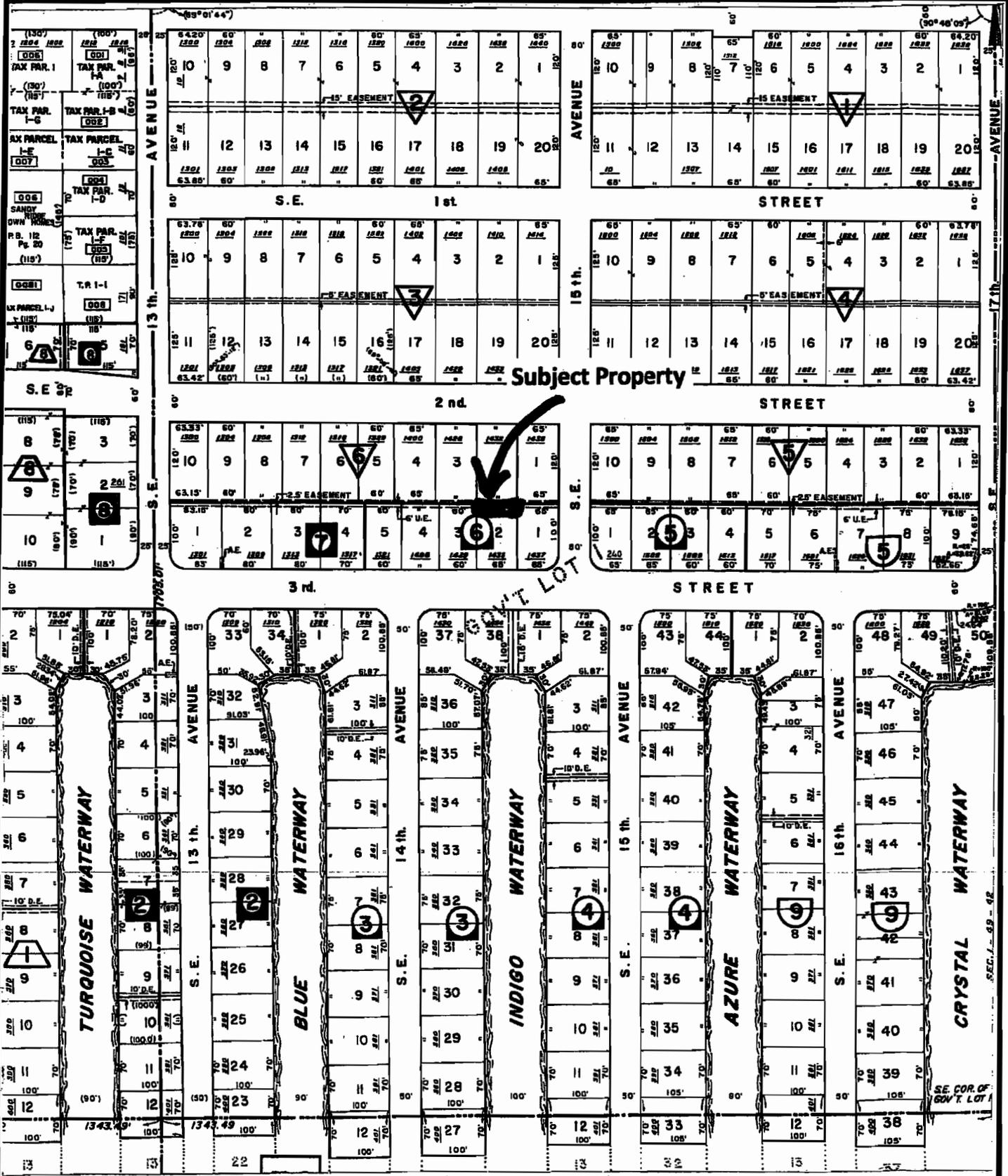


1 in = 160 ft

5

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# EXCERPT FROM THE CITY OF POMPANO BEACH PLAT MAP



**Subject Property**

SCALE: NTS

NORTH

**REVIEW AND SUMMARY**

DRC Dates: Note that Vacation/ Abandonment Requests do not go to DRC.

<b>Zoning Department:</b>	<b>No Objection</b>
<b>Community Redevelopment Agency</b>	<b>No Objection</b>
<b>Code Compliance</b>	<b>No Objection</b>
<b>Fire Department:</b>	<b>No Objection</b>
<b>Engineering Department:</b>	<b>No Objection</b>
<b>Public Works Department:</b>	<b>No Objection</b>
<b>Utilities Department:</b>	<b>No Objection</b>
<b>AT&amp;T:</b>	<b>No Objection</b>
<b>TECO Gas:</b>	<b>No Objection</b>
<b>Department of Transportation:</b>	<b>No Objection</b>
<b>FP&amp;L:</b>	<b>No Objection</b>
<b>Comcast Cable:</b>	<b>No Objection</b>

## **ZONING DEPARTMENT RECOMMENDATION**

### **I- Approve with conditions**

Development Services staff recommends approval of this easement abandonment

### **II- Table**

Table this abandonment request to allow time for the Applicant to address any objections raised by the affected parties

### **III- Denial**

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