

Meeting Date: January 27, 2015

Agenda Item 18

REQUESTED COMMISSION ACTION: QUASI-JUDICIAL

Consent Ordinance Resolution Consideration Workshop

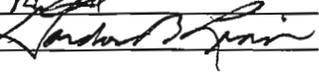
SHORT TITLE AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A TWO (2) FOOT PORTION OF A SIX (6) FOOT UTILITY EASEMENT LOCATED NEAR THE NORTHWEST CORNER OF SE 3RD STREET AND SE 15TH AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

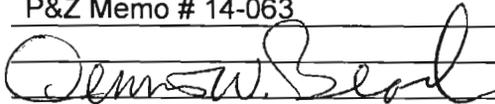
The Petitioner is requesting to abandon a two-foot portion of a six-foot utility easement located at 1433 SE 3rd Street. There is an existing pool encroaching into the easement and the applicant desires to ensure clearance of the easement for that structure. There are no utilities within the abandonment 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:

Ordinance	Resolution	Consideration	Workshop
1 st Reading <u>1/13/15</u>	1st Reading _____	Results: _____	Results: _____
2 nd Reading <u>1/27/15</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____



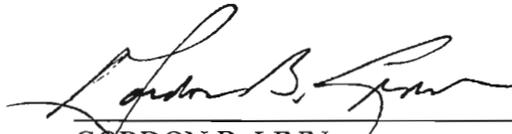
City Attorney's Communication #2015-280
December 2, 2014

TO: Maggie Barszewski, AICP, Planner
FROM: Gordon B. Linn, City Attorney
RE: Ordinance Vacating a portion of a Platted Easement at 1433 SE 3rd 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 3RD STREET AND SE 15TH AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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


GORDON B. LINN

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

Attachment

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 3RD STREET AND SE 15TH 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 3rd Street and SE 15th 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.

LAMAR FISHER, MAYOR

ATTEST:

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 3rd ST
P&Z# 14-27000003

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 3rd 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

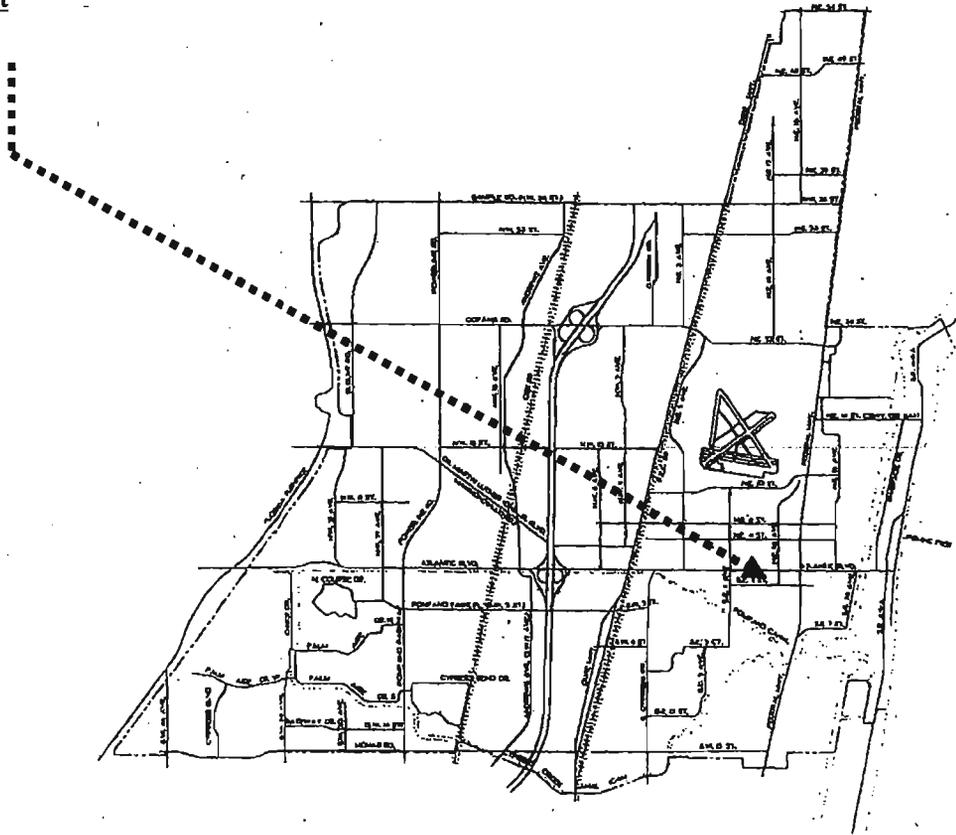
Development Services

MEMORANDUM NO. 14-409

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

The Applicant is requesting a 2-foot portion of a 6-foot utility easement be abandoned at 1433 SE 3rd 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 3rd 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

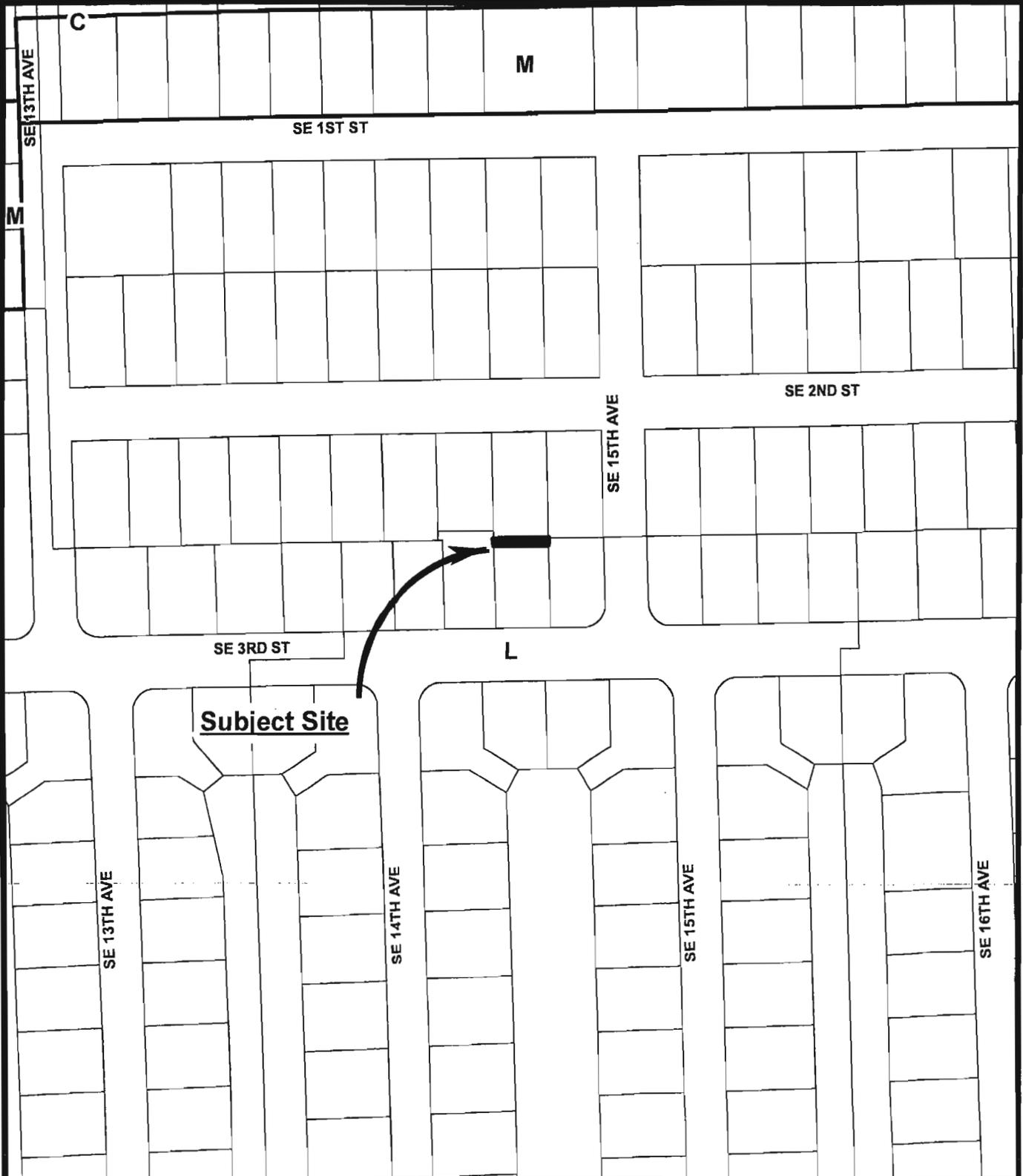
* Existing
> Proposed

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

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP

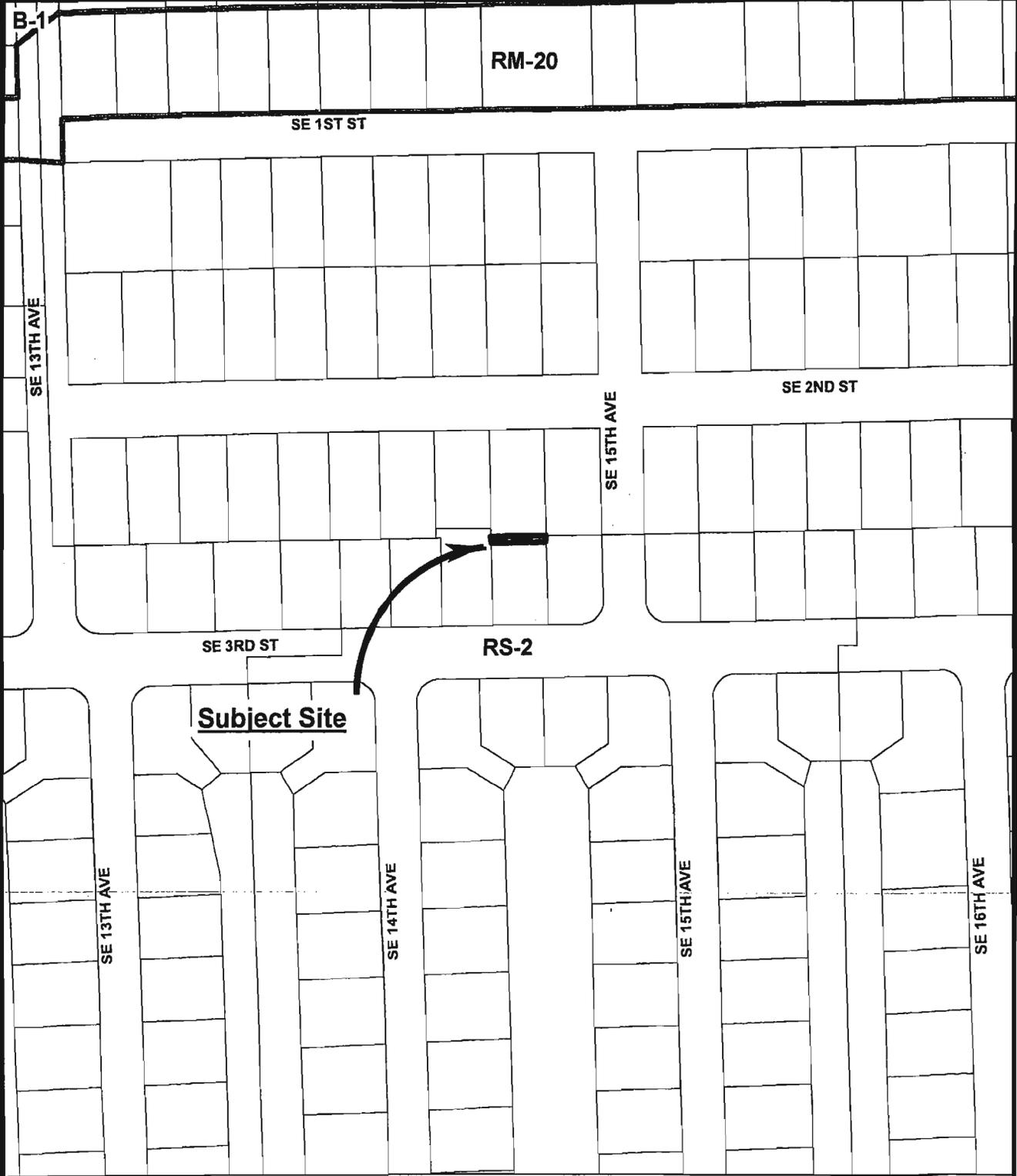


1 in = 160 ft

3

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 160 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH AERIAL MAP



1 in = 160 ft

5

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

REVIEW AND SUMMARY

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

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

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.

