

REQUESTED COMMISSION ACTION: QUASI-JUDICIAL

 Consent X Ordinance Resolution Consideration Workshop

SHORT TITLE AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A TWO (2) FOOT PORTION OF A FIVE (5) FOOT UTILITY EASEMENT LYING WITHIN A PARCEL OF PROPERTY EAST OF NE 16TH AVENUE AND APPROXIMATELY 110 FEET SOUTH OF NE 2ND STREET AND COMMONLY KNOWN AS 28 NE 16TH AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

The Petitioner is requesting to abandon a 2-foot portion of a 5-foot utility easement located at 28 NE 16th Avenue, due to an encroachment into the easement of an existing carport. If this request is approved, the applicant intends to enclose the carport and convert it into a bedroom. The area to be abandoned is approximately 214 square feet. 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: Tina O'Keefe
- (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
<u>Dev. Services</u>	<u>6/17/2015</u>	<u>Approval</u>	<u>P&Z # 15-325</u>
<u>City Attorney</u>	<u>6/19/2015</u>	<u> </u>	<u>CAC # 2015-1130</u>

 X Planning & Zoning Board P&Z Memo # 15-043

 x City Manager *Thomas W. Seal*

ACTION TAKEN BY COMMISSION:

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



City Attorney's Communication #2015-1130

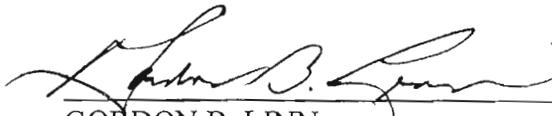
June 19, 2015

TO: Maggie Barszewski, AICP, Planner
FROM: Gordon B. Linn, City Attorney
RE: Ordinance Vacating a Portion of a Platted Easement at 28 NE 16th Avenue

As requested in your memorandum of June 17, 2015, Department of Development Services Memorandum #15-325, 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 FIVE (5) FOOT UTILITY EASEMENT LYING WITHIN A PARCEL OF PROPERTY EAST OF NE 16TH AVENUE AND APPROXIMATELY 110 FEET SOUTH OF NE 2ND STREET AND COMMONLY KNOWN AS 28 NE 16TH 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/2015-1130



MEMORANDUM

Development Services

MEMORANDUM NO. 15-361

DATE: July 1, 2015

TO: Mary Chambers, City Clerk

VIA: Dennis W. Beach, City Manager

Shelley for City Mgr

VIA: Robin M. Bird, Development Services Director

RB

FROM: Maggie Barszewski, Planner

SUBJECT: Ordinance to abandon a portion of a Utility Easement at 28 NE 16 Ave.

P&Z # 15-2700002

Please advertise the attached ordinance for public hearing at the July 14, 2015 City Commission Meeting.

If you need additional information, please contact Maggie Barszewski at extension 7921.

Thank you.

Attachments

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A TWO (2) FOOT PORTION OF A FIVE (5) FOOT UTILITY EASEMENT LYING WITHIN A PARCEL OF PROPERTY EAST OF NE 16TH AVENUE AND APPROXIMATELY 110 FEET SOUTH OF NE 2ND STREET AND COMMONLY KNOWN AS 28 NE 16TH 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 five (5) foot utility easement lying within a parcel of property commonly known as 28 NE 16th 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:

ASCELETA HAMMOND, CITY CLERK

GBL/jrm/ds
6/30/15
L:ord/2015-391

Exhibit A

LEGAL DESCRIPTION OF EASEMENT ABANDONMENT FOR
28 NE 16TH AVENUE, POMAPNO BEACH, FLORIDA, 33060:

THE SOUTH TWO (2.0) FEET OF THE UTILITY EASEMENT CONSISTING OF THE
NORTHERLY FIVE (5) FEET OF LOT 12, BLOCK 2, CRESTVIEW, ACCODING TO
THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30 AT PAGE 16 OF THE
PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #15-043**

DATE: June 24, 2015
TO: City Commission
FROM: Planning and Zoning Board/ Local Planning Agency
SUBJECT: UTILITY EASEMENT ABANDONMENT
28 NE 16 AVENUE
P & Z #15-27000002 Tina Ruffner-O'Keefe Abandonment

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on June 24, 2015, the Board considered the request by the **Tina Ruffner-O'Keefe** requesting ABANDONMENT OF A TWO (2)-FOOT PORTION OF A FIVE (5)-FOOT UTILITY EASEMENT on the above referenced property.

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



Jim Beeson
Chairman
Planning and Zoning Board/ Local Planning Agency

MEMORANDUM

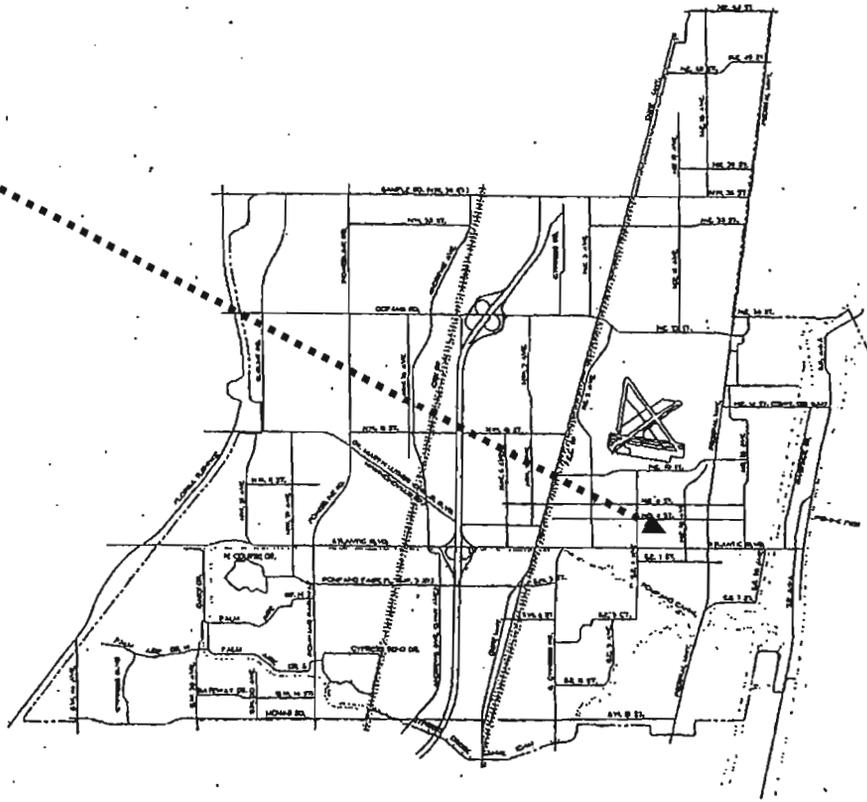
Development Services

MEMORANDUM NO. 15-309

DATE: June 9, 2015
TO: Planning & Zoning Board
VIA: Robin M. Bird, Development Services Director *RB*
FROM: Maggie Barszewski, AICP, Planner *MB*
RE: Request for abandonment of a portion of a Utility Easement Located at 28 NE 16th Avenue
P & Z # 15-27000002

The Applicant is requesting the abandonment of a 2-foot portion of a 5-foot utility easement located at 28 NE 16th Avenue, due to an encroachment into the easement of an existing carport. If this request is approved, the applicant intends to enclose the carport and convert it into a bedroom. The area to be abandoned is approximately 214 square feet.

28 NE 16th Avenue



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

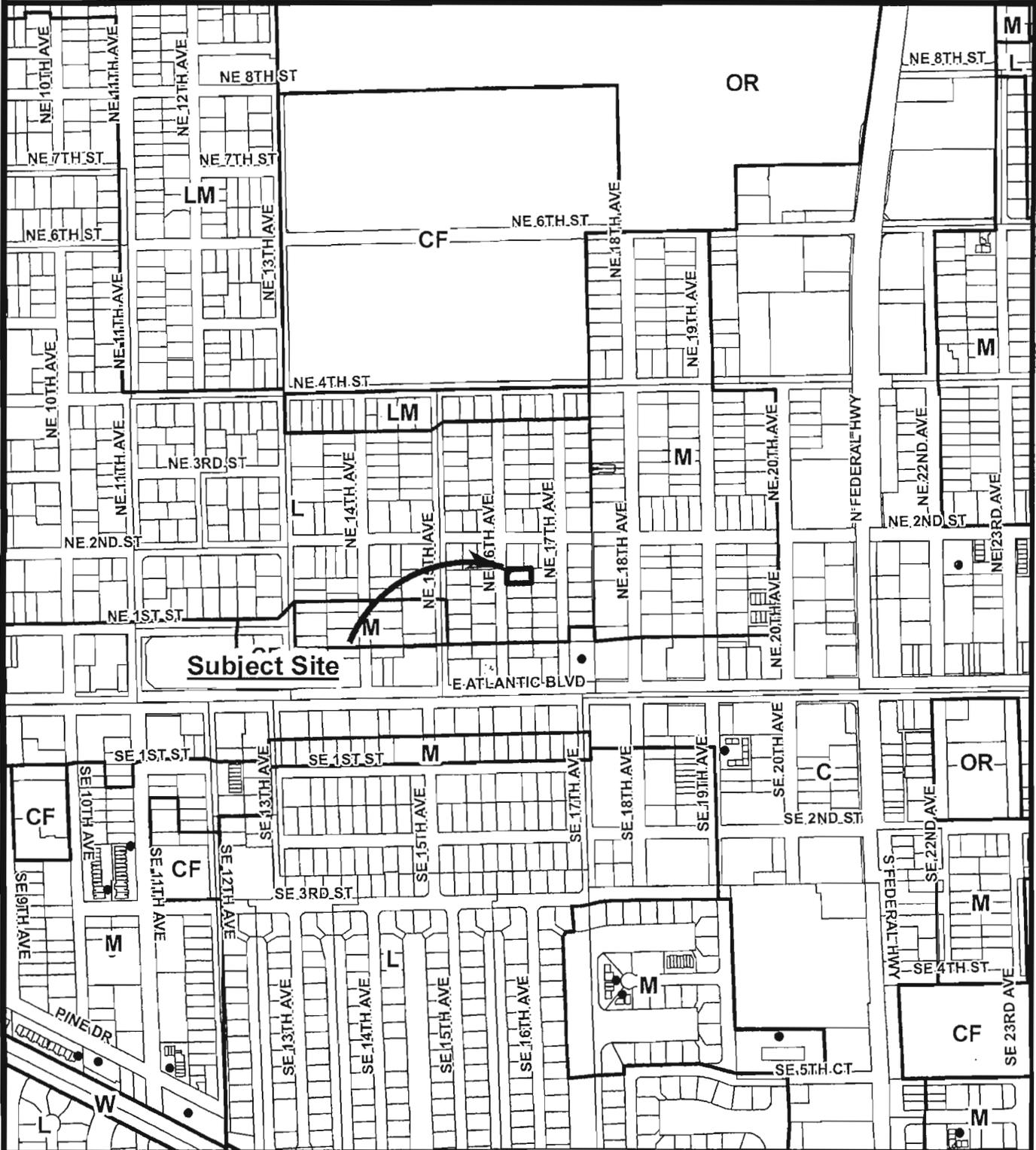
FOR ZONING MAP

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

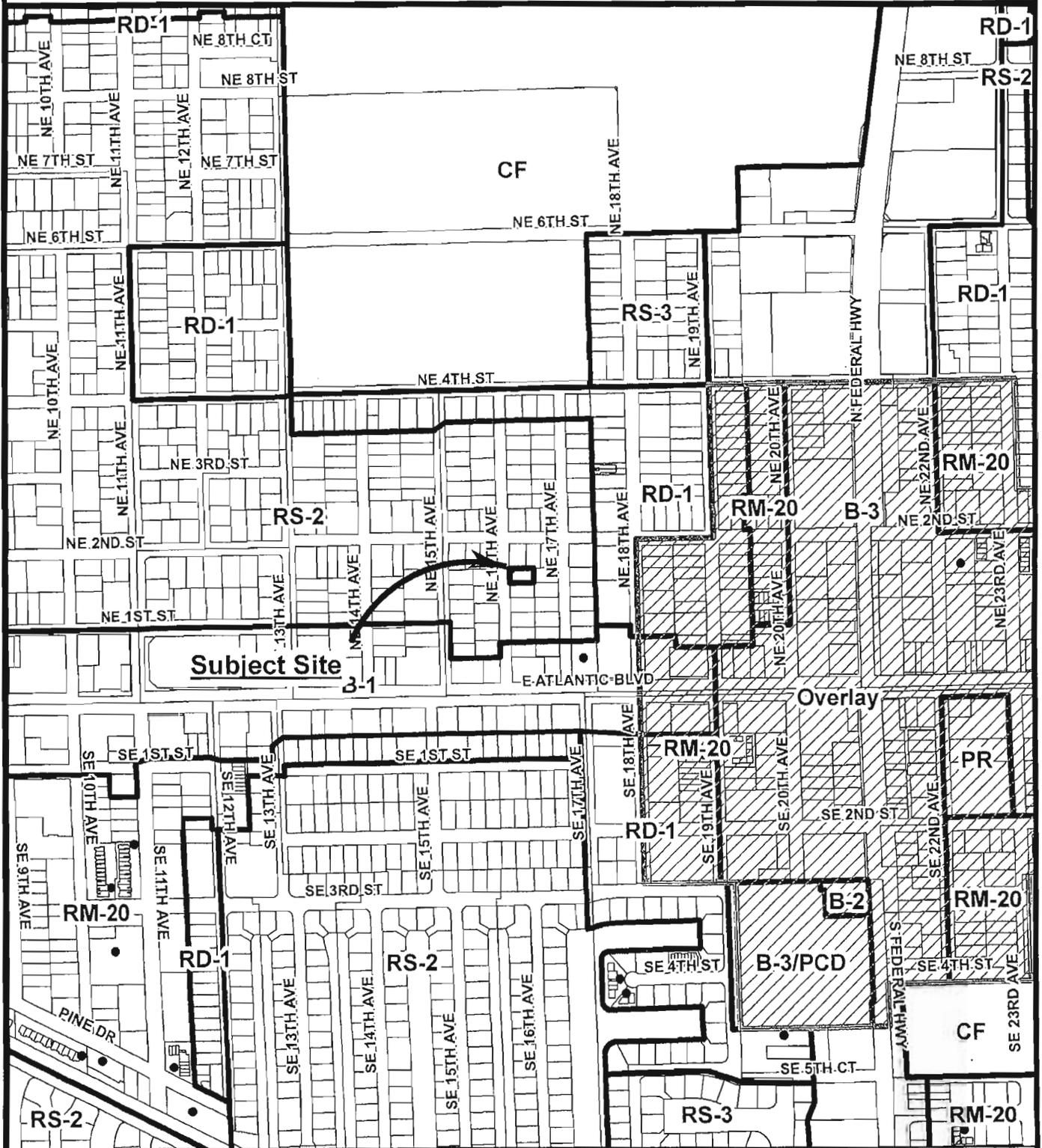


1 in = 600 ft

3

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

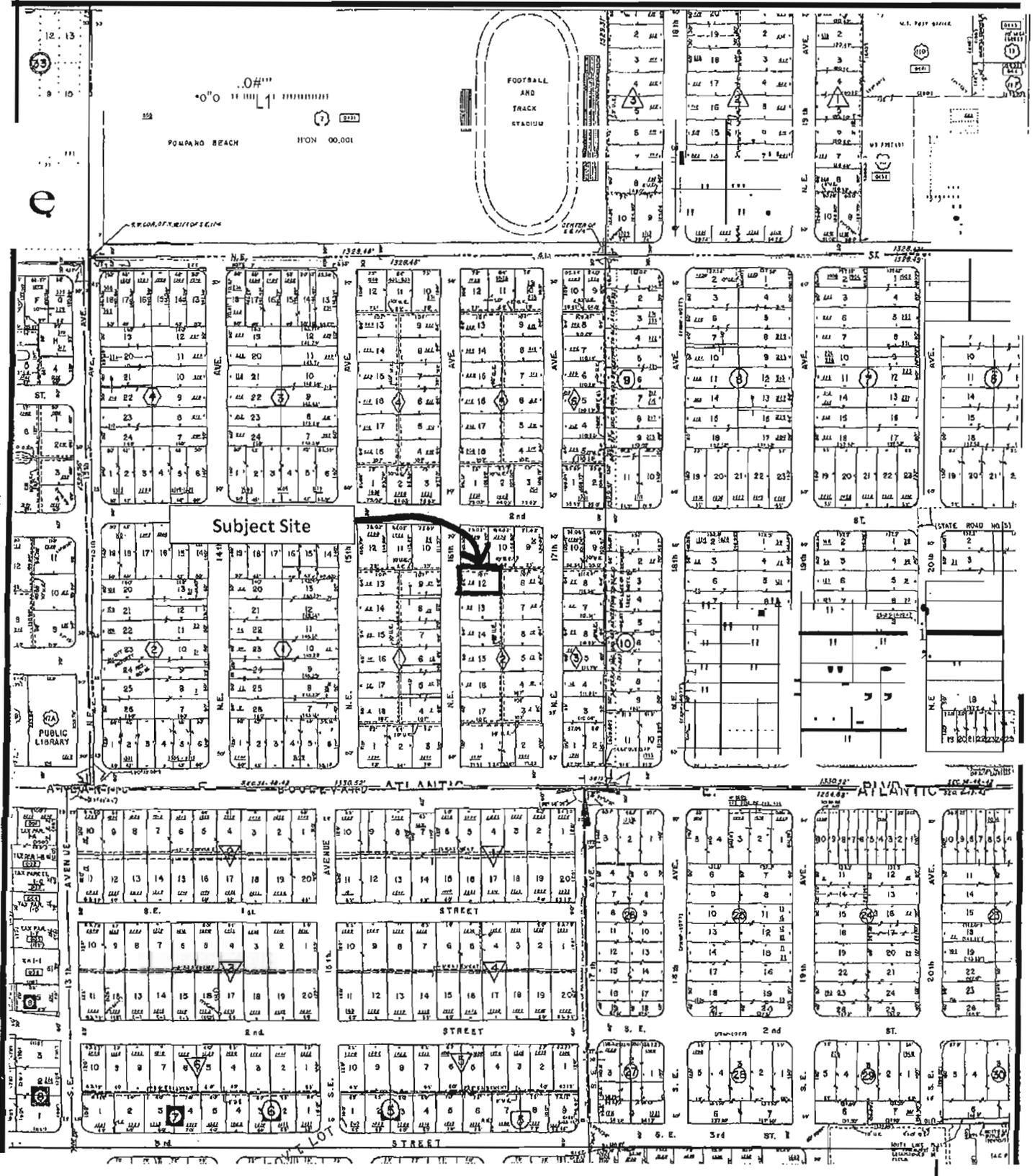
CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 600 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

EXCERPT FROM THE CITY OF POMPANO BEACH PLAT MAP



SCALE: **NTS 1**

NORTH

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

Given the information provided to the Board, staff provides the following alternative motions for the Board's review.

Alternative Motions

I- Approve with conditions

Recommend approval to the City Commission

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.

