

REQUESTED COMMISSION ACTION: QUASI-JUDICIAL

Consent     Ordinance     Resolution     Consideration     Workshop

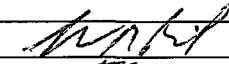

SHORT TITLE    AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A CERTAIN TWO FOOT WIDE PORTION OF THE RIGHT-OF-WAY FOR POWERLINE ROAD LYING EAST OF POWERLINE ROAD AND NORTH OF SOUTHWEST 15<sup>TH</sup> STREET (W. MCNAB ROAD); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:


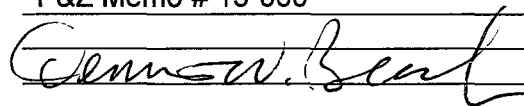
The Petitioner is requesting to abandon a 28-foot portion of the Right-of-Way located at 1400-1442 S. Powerline Road. In 1985, the subject property was dedicated by the Powerline/McNab Commercial Plat. There is an FPL easement that is being retained on the property. In 1989, the Broward County Engineering Division made a reduction to the amount of required Right of Way necessary for Powerline Road from 200 feet to 144 feet for this area. If this request is approved, the applicant intends to use the area for additional parking. This request was recommended for approval unanimously by the Planning & Zoning Board with conditions that have been met prior to placement on this agenda.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: 1400 Investments LLC
- (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	8/14/2015	Approval	P&Z # 15-433 
City Attorney	9/04/2015	<u>9/10/15</u>	CAC # 2015-1573 

Planning & Zoning Board    P&Z Memo # 15-060

City Manager     

ACTION TAKEN BY COMMISSION:

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



**DEPARTMENT OF DEVELOPMENT SERVICES**  
**CITY OF POMPANO BEACH**  
100 West Atlantic Boulevard - Room 316  
Pompano Beach, FL 33060

**MEMORANDUM NO. 15-509**

DATE: September 16, 2015

TO: Dennis W. Beach, City Manager

VIA: Robin M. Bird, Development Services Director *RL*

FROM: Maggie Barszewski, Planner *MB*

SUBJECT: Request to Strike --- Ordinance to Vacate a portion of the Powerline Road Right-of-Way

Rd. 15-18000001

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Please accept this as a request to strike item P.H. 2015-106 from the City Commission Agenda for the September 21<sup>st</sup> meeting due to an advertising error. The ordinance will be amended and re-advertised for a future meeting.

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

Thank you.



**City Attorney's Communication #2015-1573**  
September 4, 2015

**TO:** Maggie Barszewski, AICP, Planner  
**FROM:** Mark E. Berman, City Attorney  
**RE:** Ordinance to Vacate a Portion of a Platted Right-of-Way for Powerline Road

As requested in your memorandum of September 2, 2015, Department of Development Services Memorandum #15-463, 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 CERTAIN TWO FOOT WIDE PORTION OF THE RIGHT-OF-WAY FOR POWERLINE ROAD LYING EAST OF POWERLINE ROAD AND NORTH OF SOUTHWEST 15<sup>TH</sup> STREET (W. MCNAB ROAD); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

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

  
MARK E. BERMAN

MEB/jrm  
l:cor/dev-srv/2015-1573

Attachment

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

**AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A CERTAIN TWO FOOT WIDE PORTION OF THE RIGHT-OF-WAY FOR POWERLINE ROAD LYING EAST OF POWERLINE ROAD AND NORTH OF SOUTHWEST 15<sup>TH</sup> STREET (W. MCNAB ROAD); 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 foot wide portion of the right-of-way for Powerline Road lying east of Powerline Road and north of Southwest 15<sup>th</sup> Street (W. McNab Road); 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 portion of the right-of-way as more fully described below.

**SECTION 2.** It is hereby further found and determined that abandonment and vacation of that certain portion of the right-of-way 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 right-of-way:

**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.** The City of Pompano Beach reserves for its own purposes, and for the purposes of all recognized public utility companies offering public utility services in the City to its customers including, but not limited to, Florida Power & Light Company, AT&T, TECO Peoples Gas, and Comcast Cable, the reservation of an easement forever for the construction, operation and maintenance of overhead and underground electric facilities (including wires, poles, guys, cables, conduits, buried cables, cable terminals, markers, splicing boxes and pedestals, manholes, amplifier boxes, pipes, gas transmission lines, water and sewer lines and all appurtenant devises and equipment) to be installed from time to time; with the right to construct, reconstruct, improve, add to, enlarge, change the voltage, change pressure, as well as the size of, and to remove such facilities or any of them, together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communication purposes, the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and obstructions within the easement area; the right to trim and cut and keep trimmed and cut, all dead, weak, leaning or dangerous trees or limbs outside of the easement area

which might interfere with or fall upon the lines of systems of communication or power or telephone or gas transmission or distribution; and further reserves to the fullest extent, the right and power to grant, if at all, the rights herein granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property. The easement is described on Exhibit "A" attached hereto and incorporated herein by reference as if set forth in full.

**SECTION 6.** 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 7.** 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**

MEB/jrm  
9/3/15  
L:ord/2015-487

Exhibit A

FOR: 1400 Investments, LLC

DESCRIPTION T ACCOMPANY SKETCH  
RIGHT-OF-WAY TO BE VACATED

**LEGAL DESCRIPTION:**

A PORTION OF THE 50.00 FOOT RIGHT-OF-WAY FOR POWERLINE ROAD DEDICATED BY POWERLINE/McNAB COMMERCIAL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 123, PAGE 41, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT A, OF SAID POWERLINE/McNAB COMMERCIAL; THENCE NORTH 87°50'54" WEST, ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID TRACT A, A DISTANCE OF 28.02 FEET; THENCE NORTH 00°14'07" EAST, ALONG A LINE 28.00 FEET WEST OF, AND PARALLEL WITH, WHEN MEASURED AT RIGHT ANGLES TO THE WEST LINE OF SAID TRACT A, A DISTANCE OF 445.79 FEET; THENCE SOUTH 89°45'53" EAST, ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT A, A DISTANCE OF 28.00 FEET; THENCE SOUTH 00°14'07" WEST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 446.72 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA. CONTAINING 12,495 SQUARE FEET OR 0.287 ACRES MORE OR LESS.

**NOTES:**

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING AND ARE REFERENCED TO THE WEST LINE OF TRACT A, POWERLINE/McNAB COMMERCIAL, PLAT BOOK 123, PAGE 41, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, WHICH BEARS NORTH 00°14'07" EAST.

THIS SKETCH AND DESCRIPTION CONSISTS OF 2 SHEETS AND EACH SHEET SHALL NOT BE CONSIDERED FULL, VALID AND COMPLETE UNLESS ATTACHED TO THE OTHER.

ALL DOCUMENTS ARE RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

**CERTIFICATE:**

WE HEREBY CERTIFY THAT THIS DESCRIPTION AND SKETCH CONFORMS TO THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF FLORIDA, AS OUTLINED IN RULES 5J-17.052(5), (FLORIDA ADMINISTRATIVE CODE), AS ADOPTED BY THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN SEPTEMBER, 1981, AS AMENDED, PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CRAVEN THOMPSON & ASSOCIATES, INC.  
LICENSED BUSINESS NUMBER #271

THOMAS C. SHAHAM-FOR THE FIRM  
PROFESSIONAL SURVEYOR AND MAPPER NO 4387  
STATE OF FLORIDA

THE SKETCH OF SURVEY AND REPORT OR THE COPIES THEREOF  
ARE NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A  
FLORIDA LICENSED SURVEYOR AND MAPPER.

G:\2015\15-0039 POWERLINE MCNAB COMM PLAT\DRAWINGS\SD-ROW VACATION

THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property, or monuments set in connection with the preparation of the information shown hereon.

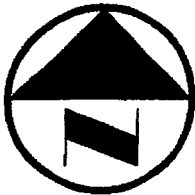
The undersigned and CRAVEN THOMPSON & ASSOCIATES, INC. make no representations or guarantees as to the information reflected hereon pertaining to easements, rights-of-way, set back lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others through appropriate title verification. Lands shown hereon were not abstracted for right-of-way and/or easements of record.

UPDATES and/or REVISIONS	DATE	BY	CK'D
JOB NO.: 15-0039-001	SHEET 1 OF 2 SHEETS		
DRAWN BY: T.S.	F.B. N/A	PG. N/A	
CHECKED BY: R.Y.	DATED: 06-12-15		

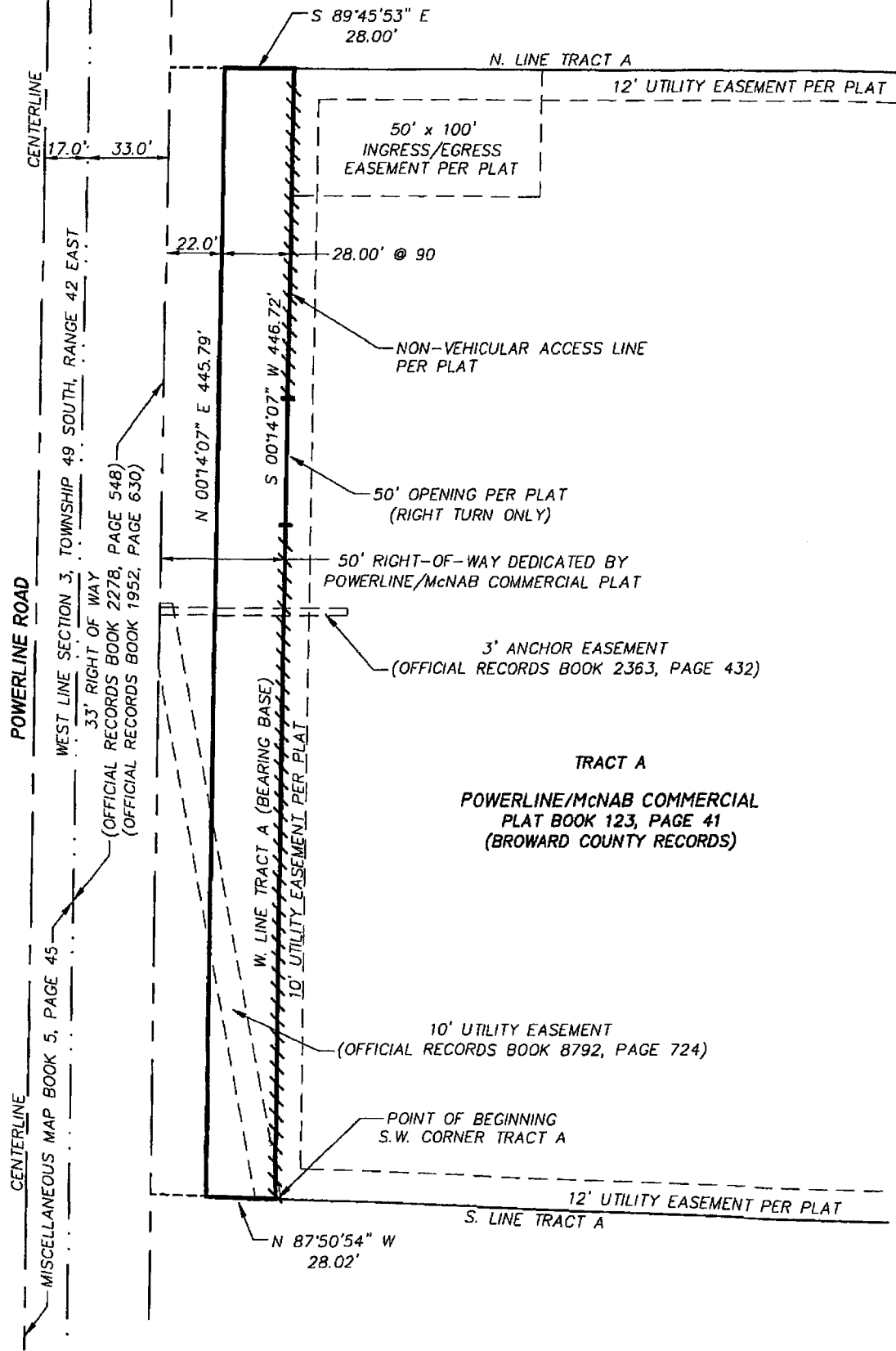


**CRAVEN • THOMPSON & ASSOCIATES, INC.**  
ENGINEERS • PLANNERS • SURVEYOR'S  
3563 N.W. 53RD STREET, FORT LAUDERDALE, FLORIDA 33309 FAX: (954) 739-6409 TEL: (954) 739-6400  
FLORIDA LICENSED ENGINEERING, SURVEYING & MAPPING BUSINESS No. 271  
MATERIAL SHOWN HEREON IS THE PROPERTY OF CRAVEN-THOMPSON & ASSOCIATES, INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION. COPYRIGHT (C) 2015

# SKETCH TO ACCOMPANY DESCRIPTION RIGHT-OF-WAY TO BE VACATED



SCALE: 1"=60'



G:\2015\15-0039 POWERLINE MCNAB COMM PLAT\DRAWINGS\SD-ROW VACATION



**Craven • Thompson & Associates, Inc.**  
 ENGINEERS • PLANNERS • SURVEYOR'S  
 3563 N.W. 53RD STREET, FORT LAUDERDALE, FLORIDA 33308 FAX: (954) 739-8400 TEL: (954) 739-5400  
 FLORIDA LICENSED ENGINEERING, SURVEYING & MAPPING BUSINESS No. 271  
 MATERIAL SHOWN HEREON IS THE PROPERTY OF CRAVEN-THOMPSON & ASSOCIATES, INC. AND SHALL  
 NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION. COPYRIGHT (C) 2015

JOB NO.: 15-0039-001

SHEET 2 OF 2 SHEETS

DRAWN BY: T.S.

F.B. N/A PG. N/A

CHECKED BY: R.Y.

DATED: 06-12-15



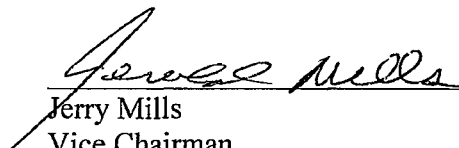
**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #15-060**

**DATE:** September 1, 2015  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** RIGHT-OF-WAY ABANDONMENT  
1400-1442 S POWERLINE RD  
P & Z #15-18000001 1400 Investments, LLC Abandonment

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At the meeting of the Planning and Zoning Board/ Local Planning Agency held on August 26, 2015, the Board considered the request by the **1400 Investments, LLC** requesting ABANDONMENT OF THE EAST TWENTY-EIGHT (28)-FOOT PORTION OF A FIFTY (50)-FOOT RIGHT-OF-WAY on the above referenced property.

It is the unanimous recommendation of the Board that the RIGHT-OF-WAY ABANDONMENT request be approved with conditions for City Commission placement and to retain the bus stop.

  
\_\_\_\_\_  
Jerry Mills  
Vice Chairman  
Planning and Zoning Board/ Local Planning Agency



# MEMORANDUM

## Development Services

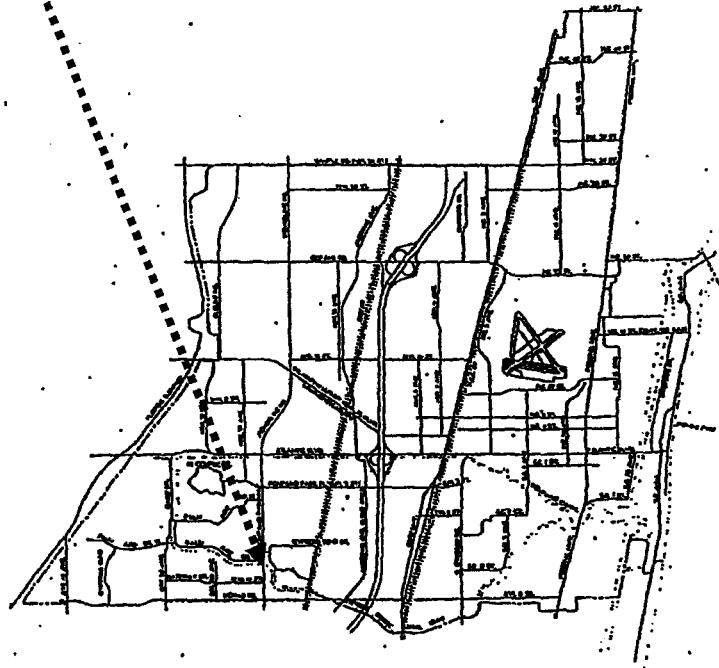
MEMORANDUM NO. 15-433

DATE: August 14, 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 28-foot portion of R.O.W. on Powerline Road  
dedicated on the Powerline McNab Commercial Plat located at 1400-1442 S.  
Powerline Road

P & Z # 15-18000001

The Applicant is requesting the abandonment of the eastern 28-foot portion of a 50-foot platted right-of-way (R.O.W.) for Powerline Road (see Attachment I). In 1989, the Broward County Engineering Division made a reduction to the amount of required R.O.W. necessary for Powerline Road from 200 feet to 144 feet in total width for this area. The subject property was dedicated by the Powerline/McNab Commercial Plat located at 1400-1442 S. Powerline Road.

1400 -1442 S. Powerline Rd.



## 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

DPTOC      Downtown Transportation Oriented

CR      Commercial Recreation

I      Industrial

T      Transportation

U      Utilities

CF      Community Facilities

OR      Recreation & Open Space

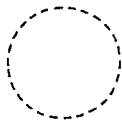
W      Water

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

TO      Transportation Oriented 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      Commercial Recreation

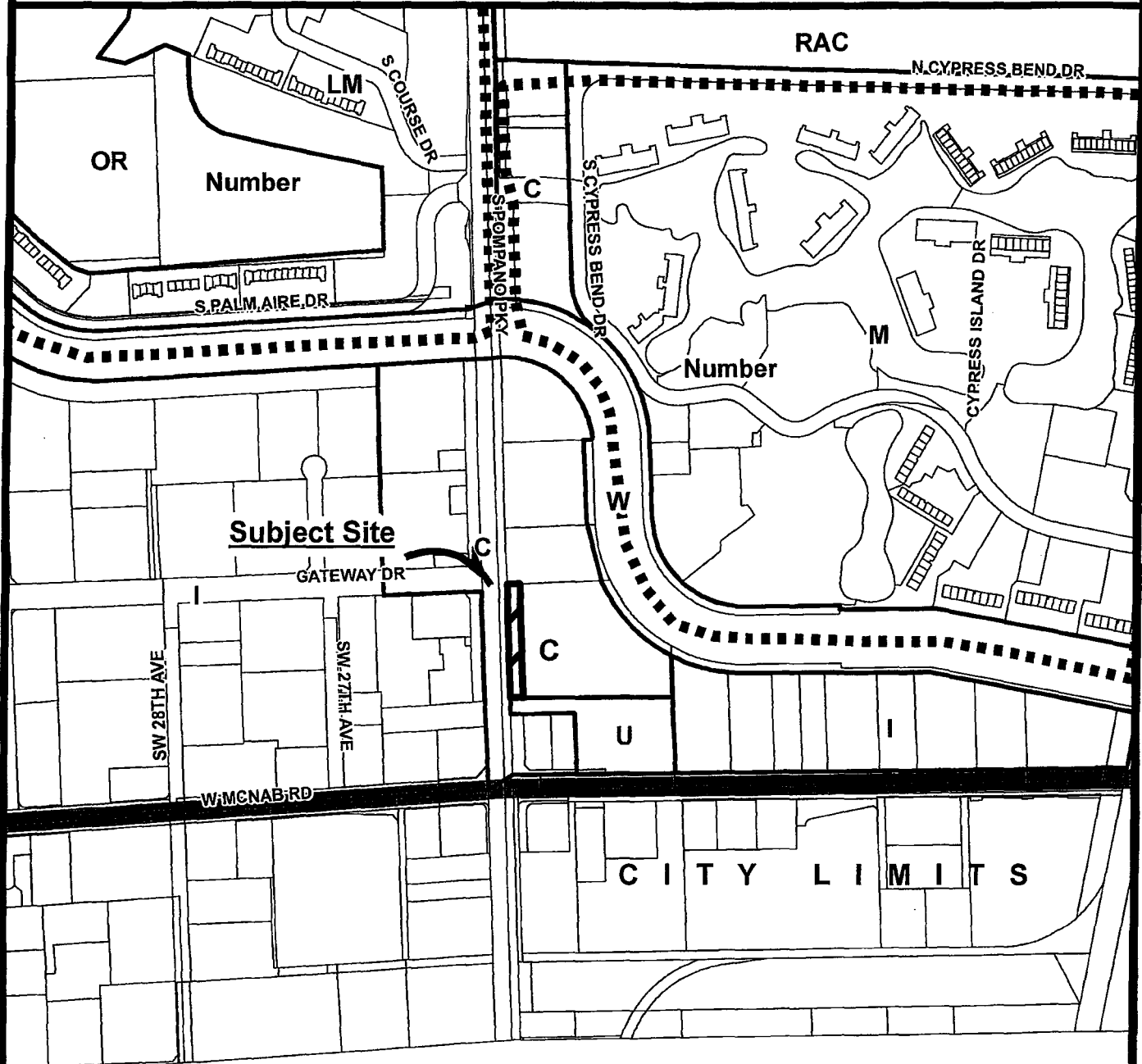
CF      Community Facilities

T      Transportation

PU      Public Utility

* <b>Existing</b>
> <b>Proposed</b>

# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP

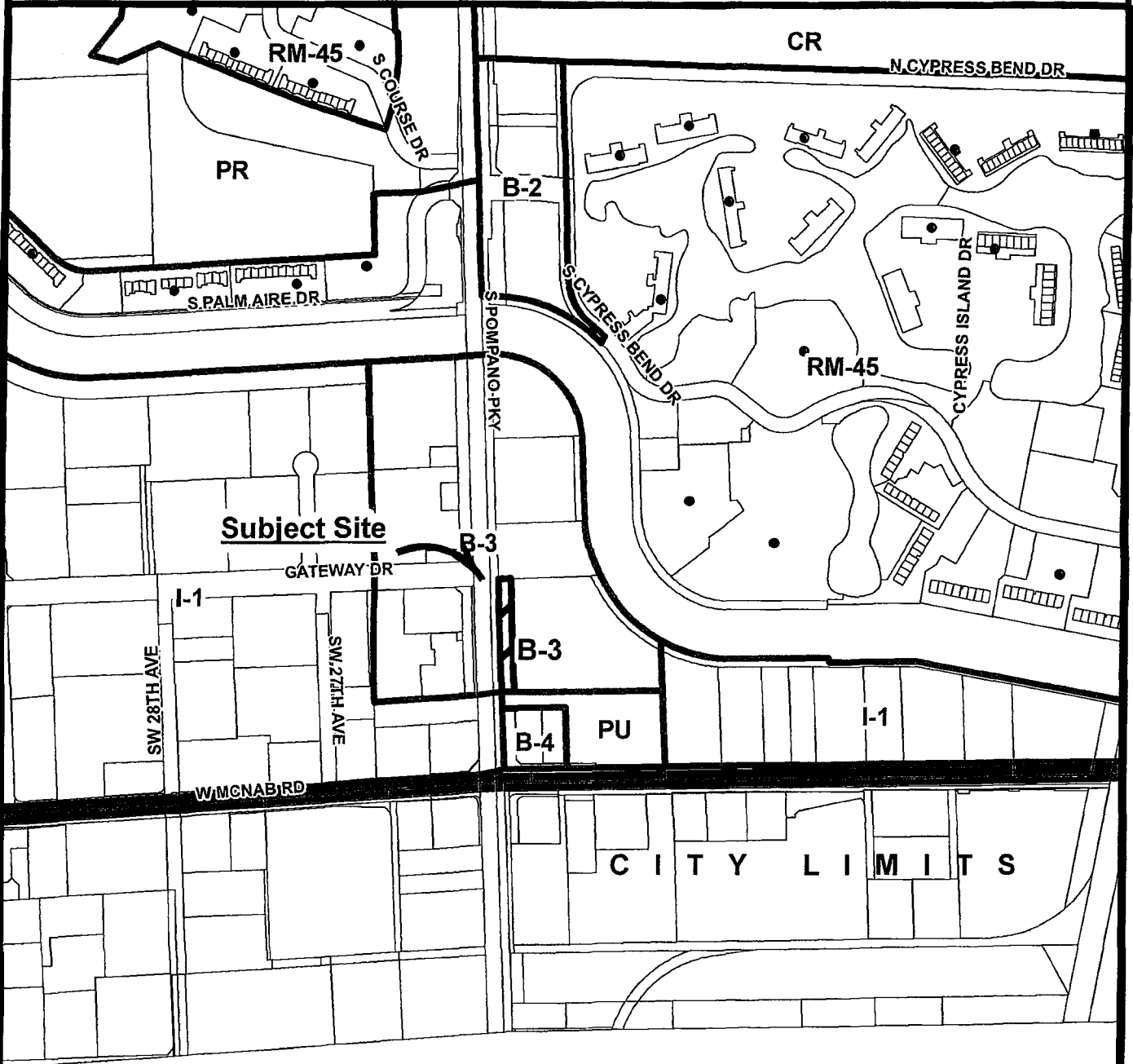


1 in = 600 ft

3

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH OFFICIAL ZONING MAP

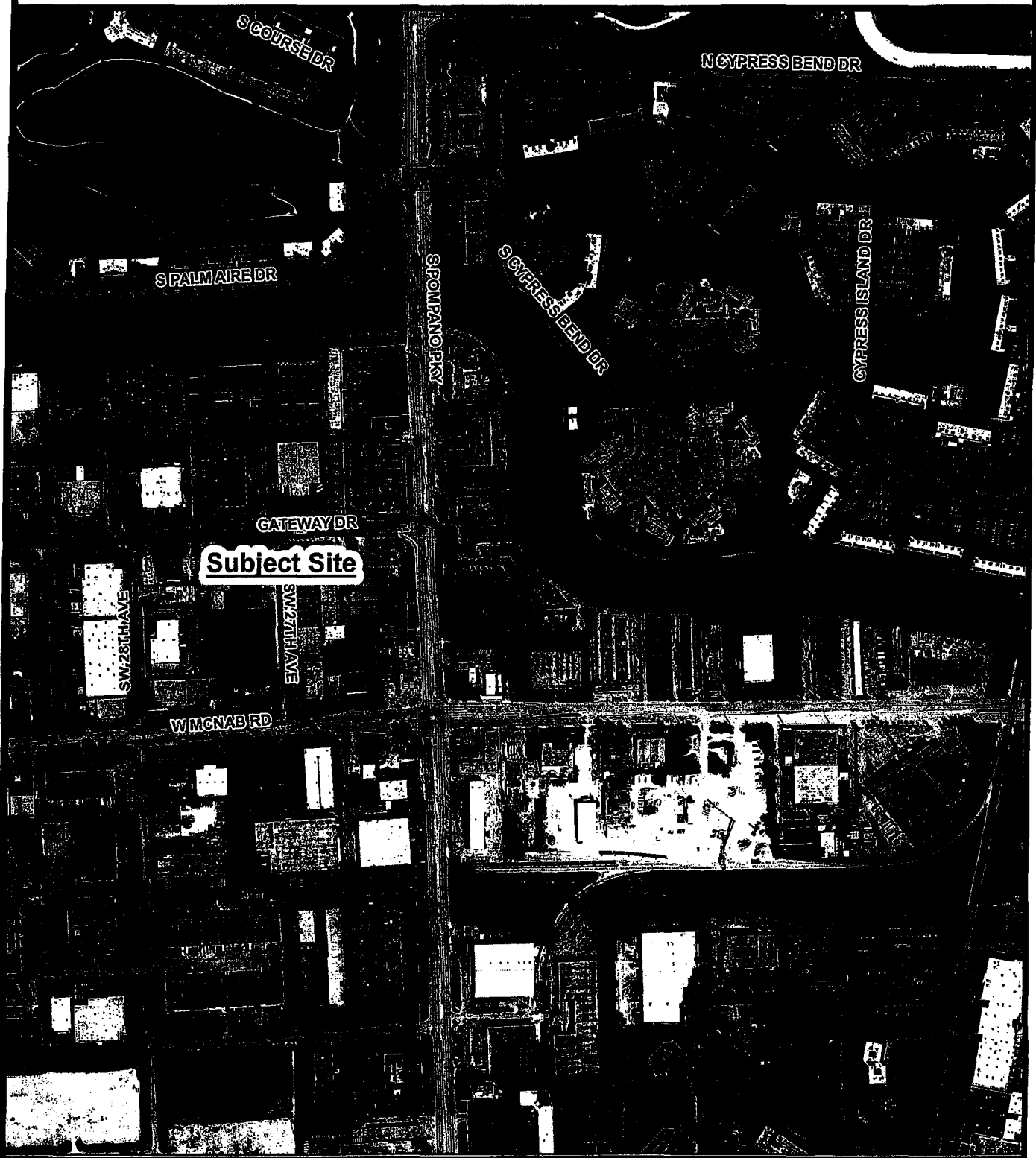


1 in = 600 ft

4

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH AERIAL MAP

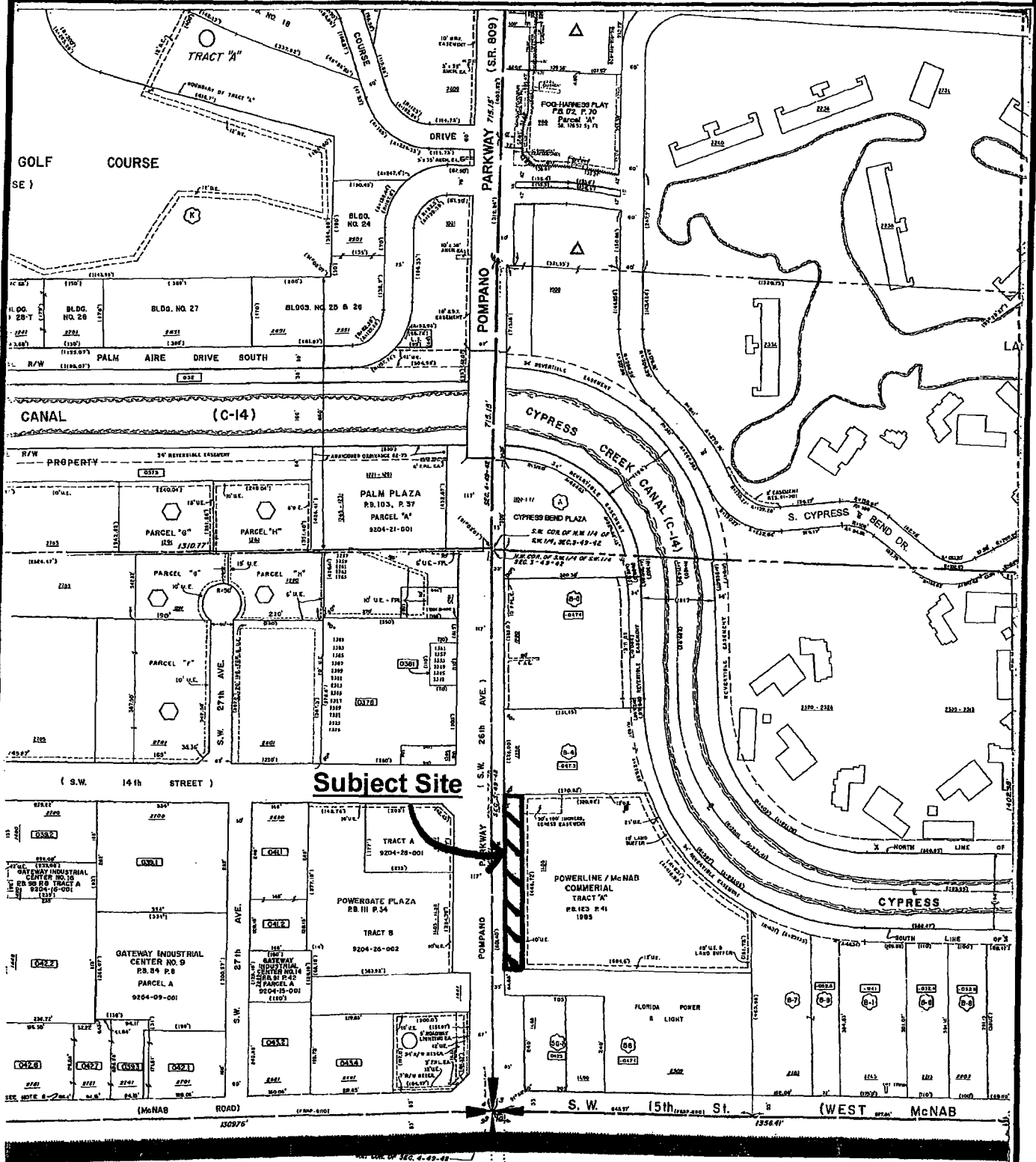


1 in = 600 ft

5

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

EXCERPT FROM THE CITY OF POMPANO BEACH  
PLAT MAP



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>Awaiting Comment</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 with retention of the easement</b>
<b>Comcast Cable:</b>	<b>Awaiting Comment</b>



## **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 with the following conditions:

1. The request cannot be placed on a City Commission agenda until comments are received from AT&T and Comcast; and
2. The existing Broward County bus stop shall be retained.

#### **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.



City of Pompano Beach
Department of Development Services
Planning & Zoning Division

Request for Vacation

100 W. Atlantic Blvd Pompano Beach, FL 33060
Phone: 954.786.4634 Fax: 954.786.4666

One (1) copy of this application with original signatures, three (3) sealed surveys or recorded plats must accompany this request. With requests to vacate right-of-way, an Attorney's Title Opinion or Certificate of Title dated within the last six (6) months is required. One (1) notarized Owner's Certificate with original signatures.

Please take notice that the undersigned requests an Right-of-Way Vacation on the following described property:

Powerline/McNab Commercial, PB 123-41 N/A -ROW
Subdivision (If Acreage, attach legal description.) Block Lot(s)
1400-1442 S Powerline Road
Street Address Type of Easement (if applicable)

Reason for Request (A separate sheet may be attached for additional information.):

Request to vacate the east 28' of the 50' ROW dedication per plat, due to the reduction in the Trafficway in 1989 from 200' to 144'. A 100' half ROW is existing, a 72' half is required, therefore there is an excess of 28' ROW.

Catherine A. Donn, Craven, Thompson & Assoc., Inc. Under contract with owner to process vacation
Name of Petitioner Petitioner's Interest in Property

Does Petitioner have any financial interest in properties near or abutting this property? Yes No

If so, explain:

Improvements Located on Property: 46,488 SF building with surface parking lot

Dated this 10 day of June, 2015

1400 INVESTMENTS LLC
Print or Type: Property Owner's Name

Property Owner's Signature

6300 NE 1 AVE, SUITE 100
Mailing Address (Street Address)

FT LAUDERDALE, FL 33334
Mailing Address (City/ State/ Zip)

\$350.00 - Easement Vacation

\$1,195.00 - Right-of-Way Vacation

Cary@diversifiedcos.com
Email Address

(954) 776-1005
Telephone Number

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