

REQUESTED COMMISSION ACTION: QUASI-JUDICIAL

Consent Ordinance X Resolution Consideration/ Discussion Presentation

SHORT TITLE: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE FAITH TEMPLE CHURCH PLAT; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

The property owner, Shivers Temple Church of God in Christ, Inc., wishes to amend the plat note on the Faith Temple Church plat for the purpose of changing the use from twelve (12) – two (2) bedroom Garden Apartments to eight (8) Single Family Residences, due to existing market conditions. The existing note currently reads "This plat is restricted to twelve (12) – two (2) bedroom Garden Apartments." The proposed note is to read, "This plat is restricted to eight (8) Single Family Residences." Staff has no objections to the change.

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

Table with 4 columns: DEPARTMENTAL COORDINATION, DATE, DEPARTMENTAL RECOMMENDATION, DEPARTMENTAL HEAD SIGNATURE. Includes rows for Dev. Serv. Dept., City Attorney, and City Manager.

ACTION TAKEN BY COMMISSION:

Table with 4 columns: Ordinance/Workshop, Resolution, Consideration, Results. Includes rows for 1st and 2nd Reading.



City Attorney's Communication #2016-192
November 17, 2015

TO: Maggie Barszewski, AICP, Planner
FROM: Mark E. Berman, City Attorney
RE: Resolution Approving Letter of No Objection – Faith Temple Church Plat

As requested in your memorandum of November 13, 2015, Department of Development Services Memorandum #15-611, the following form of resolution, relative to the above-referenced matter, has been prepared and is attached:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE FAITH TEMPLE CHURCH PLAT; 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/2016-194

Attachment

RESOLUTION NO. 2016-_____

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE FAITH TEMPLE CHURCH PLAT; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That city staff's letter of no objection to amendment of notation on the Faith Temple Church Plat, a copy of which letter is attached hereto and incorporated herein by reference as if set forth in full, is hereby approved and authorized.

SECTION 2. That the proper city staff is hereby authorized to forward said letter to Broward County.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

/jrm
11/17/15
l:reso/2016-49

November 13, 2015

Ms. Peggy Knight
Broward County Planning & Redevelopment Division
1 N University Drive, Ste 102A
Plantation, Florida 33324

Re: City of Pompano Beach Letter of No Objection to the amendment to the plat note for Faith Temple Church Plat

Dear Ms. Knight:

The City of Pompano Beach has no objection to amendment of notation on the Flo East Co Addition. The change to the note is, as follows:

From:

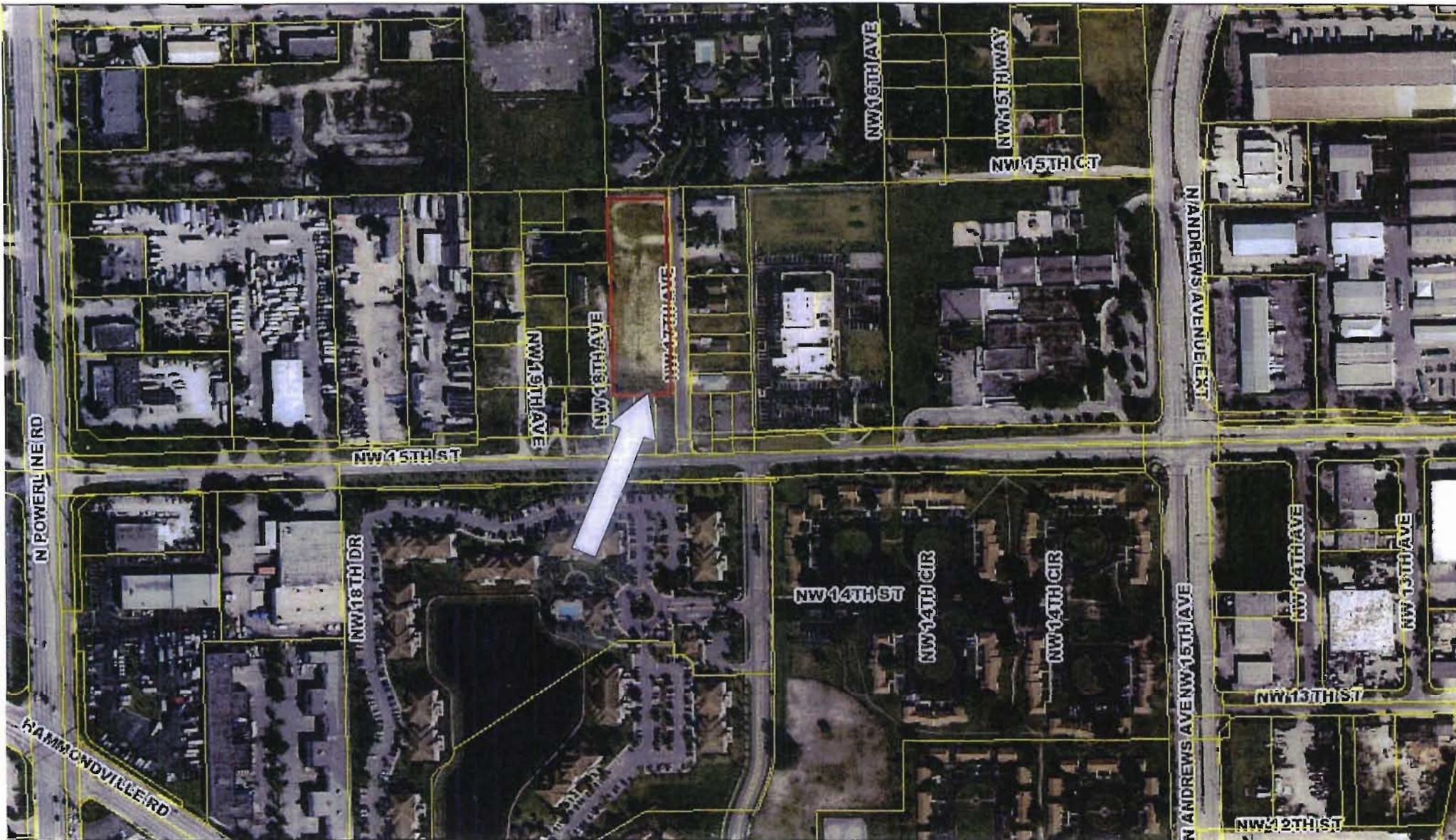
“This plat is restricted to twelve (12) – two (2) bedroom Garden Apartments.”

To:

“This plat is restricted to eight (8) Single Family Residences.”

Regards,

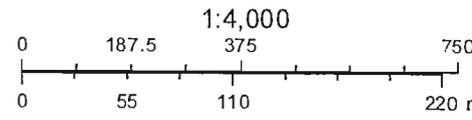
Maggie Barszewski, AICP
Planner



November 17, 2015

Parcels

- Override 1
- Parcels



#15



DEDICATION

STATE OF FLORIDA SS KNOW ALL MEN BY THESE PRESENTS: That FAITH TEMPLE CHURCH OF GOD IN CHRIST, INC., a Florida non-profit corporation, owner of the lands described in and shown as included in this plat, has caused said lands to be subdivided and platted as shown hereon, said plat to be known as "FAITH TEMPLE CHURCH PLAT". The additional thoroughfare is hereby dedicated to the public for roads and road related purposes. All easements as shown hereon are hereby dedicated to the public for proper purposes.

IN WITNESS WHEREOF: I hereunto set my hand and affix the corporate seal in the City of Fort Lauderdale, County of Broward, State of Florida, this 16th day of September, 2004. FAITH TEMPLE CHURCH OF GOD IN CHRIST, INC., a Florida non-profit corporation

Witness: Judy Lovesky Name of witness printed Judy Lovesky
Witness: Chelsea Bishop Name of witness printed Chelsea Bishop Rayfield Showers President

ACKNOWLEDGMENT

STATE OF FLORIDA SS The foregoing instrument was acknowledged before me this 16th day of September, 2004, by RAYFIELD SHOWERS, being the PRESIDENT, of FAITH TEMPLE CHURCH OF GOD IN CHRIST, INC. CORPORATION, INC., a Florida non-profit corporation, on behalf of said corporation.

He is: [X] personally known to me or [] who has produced as identification, and [] who did [X] (did not) take an oath.

NOTARY PUBLIC Diana L. Donahoe STATE OF FLORIDA
Name of Notary printed: DIANA L. DONAHOE



DEDICATION

STATE OF FLORIDA SS KNOW ALL MEN BY THESE PRESENTS: That SHIVERS TEMPLE CHURCH OF GOD IN CHRIST, INC., a Florida corporation, owner of the lands described in and shown as included in this plat, has caused said lands to be subdivided and platted as shown hereon, said plat to be known as "FAITH TEMPLE CHURCH PLAT". The additional thoroughfare is hereby dedicated to the public for roads and road related purposes. All easements as shown hereon are hereby dedicated to the public for proper purposes.

IN WITNESS WHEREOF: I hereunto set my hand and affix the corporate seal in the City of Fort Lauderdale, County of Broward, State of Florida, this 16th day of September, 2004. SHIVERS TEMPLE CHURCH OF GOD IN CHRIST, INC., a Florida corporation

Witness: Judy Lovesky Name of witness printed Judy Lovesky Bessie Showers
Witness: Chelsea Bishop Name of witness printed Chelsea Bishop Rayfield Showers President

ACKNOWLEDGMENT

STATE OF FLORIDA SS The foregoing instrument was acknowledged before me this 16th day of September, 2004, by RAYFIELD SHOWERS, and Bessie Showers, being the PRESIDENT and Vice President, respectively, of SHIVERS TEMPLE CHURCH OF GOD IN CHRIST, INC., a Florida corporation, on behalf of said corporation.

They are: [X] personally known to me or [] who has produced as identification, and [] who did [X] (did not) take an oath.

NOTARY PUBLIC Diana L. Donahoe STATE OF FLORIDA
Name of Notary printed: DIANA L. DONAHOE



FAITH TEMPLE CHURCH PLAT
A PORTION OF THE SOUTHWEST ONE-QUARTER (S.W. 1/4)
SECTION 17, TOWNSHIP 44, SOUTH, RANGE 42 EAST
CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA
July, 2004

CITY PLANNING AND ZONING BOARD

THIS IS TO CERTIFY: That the City Planning and Zoning Board of Pompano Beach, Florida, has approved this plat this 14th day of November, 2004.

By: [Signature] Chairman, this 19 day of October, 2005.

CITY COMMISSION

STATE OF FLORIDA SS THIS IS TO CERTIFY: That this plat has been accepted and approved for record by the CITY COMMISSION OF THE COUNTY OF BROWARD, CITY OF POMPANO BEACH, FLORIDA in and by RESOLUTION NO. 2005-249, adopted by the said City Commission, this 14th day of June, 2005.

No building permits shall be issued for the construction, expansion, and/or conversion of a building within this plat until such time as the developer provides this municipality with written confirmation from Broward County that all applicable impact fees have been paid or are not due.

By: Mary E. Chelms City Clerk, this 7th day of July, 2005.

CITY ENGINEER'S APPROVAL

This plat is approved and accepted for record this 8th day of September, 2005.

By: [Signature] Helen Gray, City Engineer, Florida P.E. Registration # 51831

BROWARD COUNTY DEPARTMENT OF URBAN PLANNING AND REDEVELOPMENT

This plat is approved and accepted for record this 11th day of July, 2006.

By: [Signature] Director / Designee

BROWARD COUNTY HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION

This plat has been approved and accepted for record.

By: [Signature] 6/22/06 (date) Henry P. Cook (date)
Professional Surveyor and Mapper
Florida Registration Number: LS 9030

BROWARD COUNTY PLANNING COUNCIL

THIS IS TO CERTIFY: That the Broward County Planning Council approved this plat subject to its compliance with dedication of right-of-way for trafficways this 12th day of December, 2005.

This plat complies with the approval of the Broward County Planning Council of the above date and is approved and accepted for record this 11 day of July, 2006.

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - COUNTY RECORDS DIVISION - MINUTES SECTION

THIS IS TO CERTIFY: That this plat complies with the provisions of Chapter 177, FLORIDA STATUTES, and was accepted for record by the Board of County Commissioners of Broward County, Florida, this 13th day of December, 2005.

By: [Signature] Deputy Pamela D. Brangaccio Mayor - Broward County, Florida

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - COUNTY RECORDS DIVISION - RECORDING SECTION

This plat filed for record this 28th day of July, 2006, in BOOK 176 of PLATS, at Page 14. Record verified.

ATTEST: Pamela D. Brangaccio COUNTY ADMINISTRATOR By: [Signature] Deputy

SURVEYOR'S CERTIFICATE

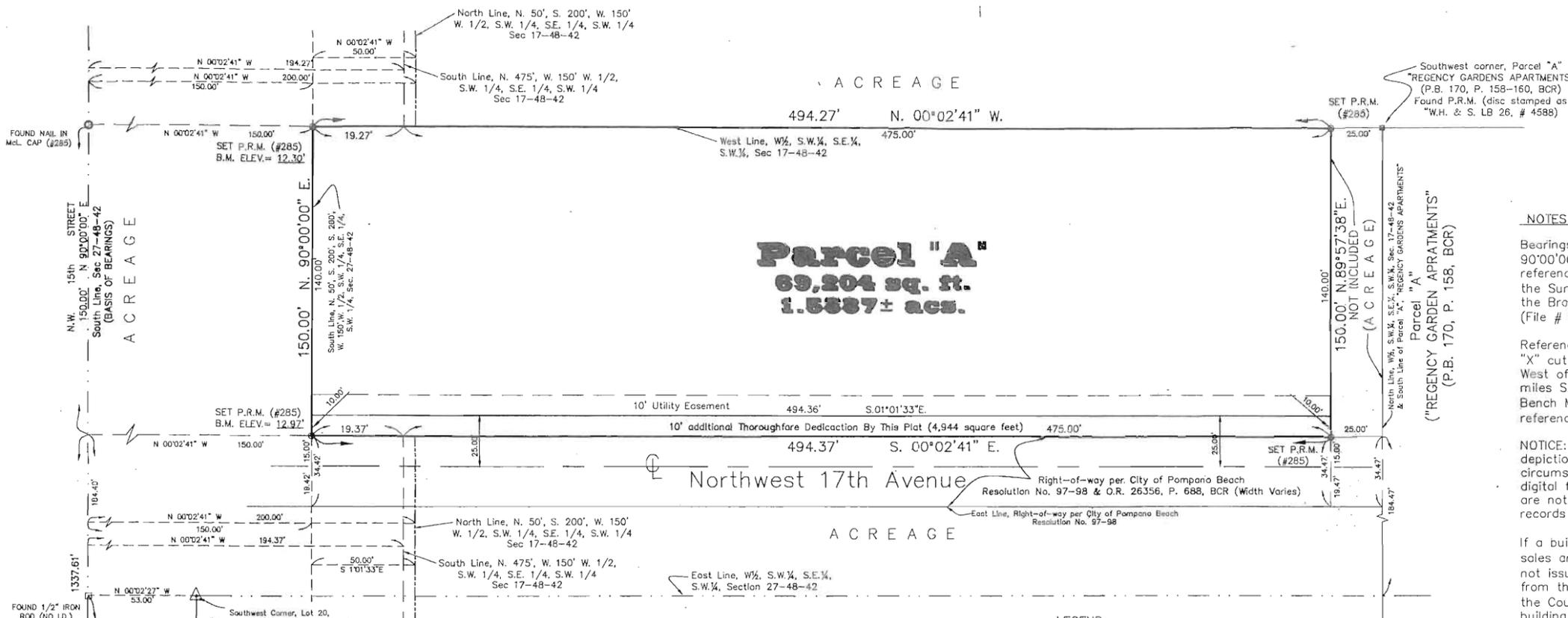
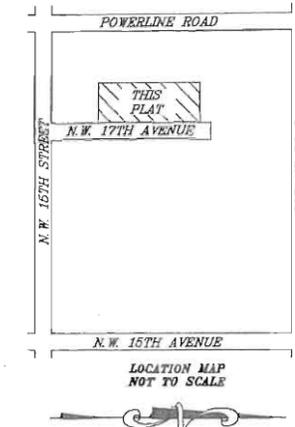
STATE OF FLORIDA SS I HEREBY CERTIFY: That the attached plat is a true and correct representation of the lands described hereon, and that the survey data shown hereon were set in accordance with Section 177.091 of said Chapter 177, on this 7th day of September, 2004.

This plat dated at Fort Lauderdale, Florida, this 28 day of September, 2004.

By: [Signature]
Jerald A. McLaughlin
Registered Land Surveyor No. 5284
State of Florida.
McLAUGHLIN ENGINEERING COMPANY
Certificate of Authorization Number: LB 285
100 Northgate 3rd Avenue
Fort Lauderdale, Florida 33301

S2631

077.MP.04



Parcel "A"
69,204 sq. ft.
1.5887± acs.

NOTES

Bearings, as shown hereon, refer to an assumed meridian of North 90°00'00" East, on the South line of said Section 27-48-42, as referenced by Found Monuments, as shown hereon and verified with the Survey entitled "Township 48 South, Range 42 & 43 East" from the Broward County Engineering Department, dated December, 1952 (File # M-274MISC)

Reference Bench Mark: Broward County Benchmark #2390
 "X" cut on concrete part of a catch basin (curb and gutter), 2.42' West of West edge of pavement Powerline Road, approximately 0.85 miles S. of Copans Road, and directly across from AZOC #1550
 Bench Mark Elevation = **12.482'** (Reference Bench Mark is referenced to the National Geodetic Vertical Datum of 1929)

NOTICE: This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of Broward County, Florida

If a building permit for a principal building (excluding dry models, sales and construction offices) and first inspection approval are not issued by **December 13, 2010**, which date is five (5) years from the date of approval of this plat by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County makes a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame AND /OR

If project water lines, sewer lines, drainage and the rock base for internal roads are not installed by **December 13, 2010**, which date is five (5) years from the date of approval of this plat by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County makes a subsequent finding that the application satisfies the adequacy requirements set forth in the Broward County Land Development Code. This requirement may be satisfied for a phase of this project, provided a phasing plan has been approved by Broward County. The owner of the property shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame.

THIS NOTE ADDED PER BROWARD COUNTY'S SURVEYOR'S OFFICE PURSUANT TO CHAPTER 177.091, SUBSECTION (26), FLORIDA STATUTES
 Platted utility easements are also easements for the construction, installation, maintenance and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This does not apply to private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance and operation shall comply with the National Electric Safety code as adopted by the Florida Public Service Commission.

RESTRICTIVE NOTE

This plat is restricted to twelve (12) - two (2) bedroom Garden apartments.

Any structure within this plat must comply with Section IV D.1.f., Development Review Requirements, of the Broward County Land Use Plan, regarding hazards to air navigation.

This note is required by chapter 5, Article IX, Broward County Code of Ordinances and may be amended by approval of the Broward County Board of County Commissioners. The notations and any amendments thereto are solely indicating the approved development level for the property located within this plat and do not operate as a restriction in favor of any property owner including an owner or owners of the property within this plat who took title to the property with reference to this plat.

LEGEND

- P.R.M. = Permanent Reference Monument (4"x4"x24" concrete post w/metal rod and Brass cap stamped L.B. 285)
- B.M. Elev. = Bench Mark Elevation
- ⊙ = Centerline of Right-of-Way
- B.C.R. = Broward County Records
- D.C.R. = Dade County Records
- O.R., P = Official Record Book and Page
- △ = Found P.R.M. #3356 in concrete post of undetermined size and shape (Southwest corner, Lot 20, "FERNANDER / WRIGHT SUBDIVISION", PB 159, P 6, BCR)
- = Found P.R.M. w/disc stamped as "W.H. & S. LB 26, #4588 in concrete post of undetermined size and shape
- sq.ft. = square feet
- acs. = acres
- P.B., P. = Plat Book and Page
- sec. = section
- # = number
- = Found nail in McLaughlin Engineering Cap stamped # 285
- = Found 1/2" iron rod with no identification stamp

DESCRIPTION

The North 475 feet of the West 150 feet, LESS the North 25 feet thereof, of the West one-half (W. 1/2), of the Southwest one-quarter (S.W. 1/4), of the Southeast one-quarter (S.E. 1/4) of the Southwest one-quarter (S.W. 1/4), of Section 27, Township 48 South, Range 42 East.

Together with:
 The North 50 feet, of the South 200 feet, of the West 150 feet, of the West one-half (W. 1/2), of the Southwest one-quarter (S.W. 1/4) of the Southeast one-quarter (S.E. 1/4) of the Southwest one-quarter (S.W. 1/4), of Section 27, Township 48 South, Range 42 East.

Said lands situate, lying and being in the City of Pompano Beach, Broward County, Florida and containing 74,148 square feet or 1.7022 acres, more or less.

FAITH TEMPLE CHURCH PLAT
A PORTION OF THE SOUTHWEST ONE-QUARTER (S.W. 1/4)
SECTION 27, TOWNSHIP 48, SOUTH, RANGE 42 EAST
CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA
July, 2004

