

Meeting Date: May 24, 2016

Agenda Item 12

REQUESTED COMMISSION ACTION: QUASI-JUDICIAL

Consent       Ordinance       Resolution       Consideration       Workshop

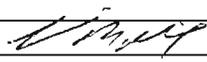
SHORT TITLE      AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A TWELVE FOOT (12) FOOT UTILITY EASEMENT LOCATED AT THE NORTHEAST CORNER OF NW 30<sup>TH</sup> AVENUE AND WEST ATLANTIC BOULEVARD, LYING APPROXIMATELY 61.55 FEET NORTH OF AND PARALLEL TO ATLANTIC BOULEVARD AND 30 FEET EAST OF NORTHWEST 30<sup>TH</sup> AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

The Petitioner, Thomas Engineering Group on behalf of Race Trac Petroleum, Inc., is requesting to abandon a 12-foot utility easement located at the northeast corner of NW 30<sup>th</sup> Avenue. The property owner is constructing a 4,155 sq. ft. fuel station; however, the easement is located in an area where the fuel tanks must be located. The area to be abandoned is approximately 3,345 square feet. This request was recommended for approval unanimously by the Planning & Zoning Board at the 01/27/16 hearing with the following two conditions: 1) That staff hold up placement of this request on a City Commission Agenda until all comments were received from all service providers, or until 60 days from the date of the recommendation, whichever occurred first; and 2) The applicant must assume any cost associated with the relocation of any utilities if required and a new recorded easement will need to be dedicated for such utility(s). During the 60-day waiting period before placement, all remaining service provider comments were provided with "no objection" stated on all of them. Therefore, all conditions of the Planning and Zoning Board has been met. A copy of the minutes from the Planning & Zoning meeting is attached.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Kevin Betancourt of Thomas Engineering Group
- (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>1/15/2016</u>	<u>Approval</u>	<u>P&amp;Z # 16-034</u> 
<u>City Attorney</u>	<u>3/23/2016</u> <u>5-13-16</u>		

Planning & Zoning Board      P&Z Memo # 16-008  
 \_\_\_\_\_  
 City Manager      Demetrius Beard

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 #2016-674**

March 23, 2016

**TO:** Maggie Barszewski, AICP, Planner  
**FROM:** Mark E. Berman, City Attorney  
**RE:** Ordinance to Abandonment of a 12 Foot Utility Easement

As requested in your memorandum of March 17, 2016, Department of Development Services Memorandum #16-135, 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 TWELVE FOOT UTILITY EASEMENT LOCATED AT THE NORTHEAST CORNER OF NW 30<sup>TH</sup> AVENUE AND WEST ATLANTIC BOULEVARD, LYING APPROXIMATELY 61.55 FEET NORTH OF AND PARALLEL TO ATLANTIC BOULEVARD AND 30 FEET EAST OF NORTHWEST 30<sup>TH</sup> AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

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

  
MARK E. BERMAN

/jrm  
l:cor/dev-srv/2016-674

Attachment

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

**AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A TWELVE FOOT UTILITY EASEMENT LOCATED AT THE NORTHEAST CORNER OF NW 30<sup>TH</sup> AVENUE AND WEST ATLANTIC BOULEVARD, LYING APPROXIMATELY 61.55 FEET NORTH OF AND PARALLEL TO ATLANTIC BOULEVARD AND 30 FEET EAST OF NORTHWEST 30<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 twelve foot utility easement located on the northeast corner of NW 30<sup>th</sup> Avenue and West Atlantic Boulevard, lying approximately 61.55 feet north of an parallel to Atlantic Boulevard and 30 feet east of Northwest 30<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 \_\_\_\_\_, 2016.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm  
3/23/16  
L:ord/2016-169

# LEGAL DESCRIPTION FOR A PORTION OF A 12' UTILITY EASEMENT ABANDONMENT

### LEGAL DESCRIPTION:

AN EASEMENT LYING IN A PORTION OF PARCEL 'A', ENGSTROM PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 152, PAGE 45, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID PARCEL 'A', ENGSTROM PLAT; THENCE SOUTH 88°50'44" WEST, ALONG THE SOUTH LINE OF SAID PARCEL 'A', A DISTANCE OF 272.77 FEET; THENCE NORTH 46°11'32" WEST, A DISTANCE OF 16.98 FEET; THENCE NORTH 88°50'44" EAST, A DISTANCE OF 284.78 FEET; THENCE SOUTH 01°09'31" EAST, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 3345.28 SQUARE FEET.

### NOTES:

1. THIS SKETCH OF LEGAL DESCRIPTION DOES NOT REPRESENT A BOUNDARY SURVEY.
2. THE BEARING BASE OF THIS SKETCH OF LEGAL DESCRIPTION IS S.88°50'44"W. THE NORTH RIGHT OF WAY LINE OF WEST ATLANTIC BOULEVARD.
3. THE INFORMATION WAS PROVIDED BY "RACETRAC PETROLEUM, INC."
4. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

### SURVEYORS CERTIFICATION:

I HEREBY CERTIFY THAT THE "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER J5-17, FLORIDA STATUTES, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ROBERT BLOOMSTER JR.  
PROFESSIONAL LAND SURVEYOR  
NO. 4134 STATE OF FLORIDA

<b>BLOOMSTER</b>	
PROFESSIONAL LAND SURVEYOR INC.	
FURNISHING SURVEYING SERVICES	
NORTHEAST CORNER STREET SEASIDE BEACH, FLORIDA 34957 PHONE 34-0868	
SKETCH TO ACCOMPANY LEGAL DESCRIPTION PREPARED FOR CONTROL	
SITE LOCATED: WEST ATLANTIC BLVD AND NW 50th AVE. CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA	

SHEET 1 OF 2
SCALE: 1" = 50'
DATE: 8/19/15
SKETCH NO. 11050
REVISIONS: 7/15 ESMT CONFIG

NOT VALID WITHOUT SHEET 2 OF 2

PZ15-27000010

JAN 27 2016

**SKETCH OF DESCRIPTION  
FOR A PORTION OF A  
12' UTILITY EASEMENT ABANDONMENT**

NW 1st STREET

PLATTED NORTH LINE OF PARCEL 'A', ENGSTROM PLAT

N88°51'33"E 302.93'

SOUTH LINE OF THE NORTH 30 FEET OF PARCEL 'A'  
PER ORB 50783, PG 333

**A PORTION OF PARCEL 'A'  
ENGSTROM PLAT  
(PB 152, PG 45)**

12' UTILITY EASEMENT  
(SHADED AREA TO  
BE ABANDONED)

N46°11'32"W 16.98'

UTILITY EASEMENT  
PER ORB 4710, PG 855

S01°09'31"E 12.00'

N88°50'44"E 284.78'

SOUTH LINE OF PARCEL 'A', ENGSTROM PLAT

S88°50'44"W 272.77'

S88°50'44"W 253.67' NORTH RIGHT OF WAY LINE  
PER ORB 15015, PG 15

N46°11'32"W 16.98'

S88°50'44"W 7.08'

POINT OF BEGINNING  
SE CORNER OF PARCEL 'A'

SOUTH LINE OF SECTION 33-48-42

**WEST ATLANTIC BOULEVARD (STATE ROAD 814)**

RIGHT OF WAY PER F.D.O.T. MAP SECTION NO. 86130-2504 (SHEET 13 OF 18)

**LEGEND:**

- F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION
- ORB = OFFICIAL RECORDS BOOK
- PB = PLAT BOOK
- PG = PAGE

**P & Z**

SHEET 2 OF 2 SCALE: 1"=50'  
VALID WITHOUT SHEET 1 OF 2

**BLOOMSTER**  
PROFESSIONAL LAND  
SURVEYORS, INC.  
FLORIDA

1000 PORT ST. STREET  
JENSEN BEACH, FLORIDA 34957  
PHONE 772-374-0868

**PZ15-27000010**

**JAN 27 2016**

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #16-008**

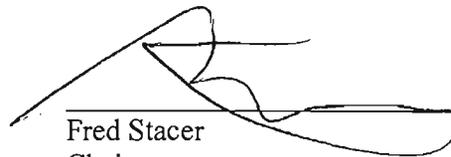
**DATE:** February 9, 2016  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** EASEMENT VACATION  
NE CORNER OF NW 30<sup>th</sup> AVE & W ATLANTIC BLVD  
P & Z #15-27000010 RaceTrac Petroleum, Inc. West Atlantic Easement Vacation

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At the meeting of the Planning and Zoning Board/ Local Planning Agency held on January 27, 2016, the Board considered the request by **Thomas Engineering Group** on behalf of **RaceTrac Petroleum, Inc.** requesting VACATION OF THE TWELVE (12)-FOOT UTILITY EASEMENT on the above referenced property.

It is the unanimous recommendation of the Board that the EASEMENT VACATION request be approved with the following conditions:

1. This request will not be placed on a City Commission Agenda until all comments are received from each service provider, or until 60 days from the date of this recommendation, whichever occurs first.
2. The applicant must assume any cost associated with the relocation of any utilities if required and a new recorded easement will need to be dedicated for such utility(s).



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Fred Stacer  
Chairman  
Planning and Zoning Board/ Local Planning Agency



## 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 Pompano Transit Oriented Corridor

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

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      Commercial Recreation

CF      Community Facilities

T      Transportation

PU      Public Utility

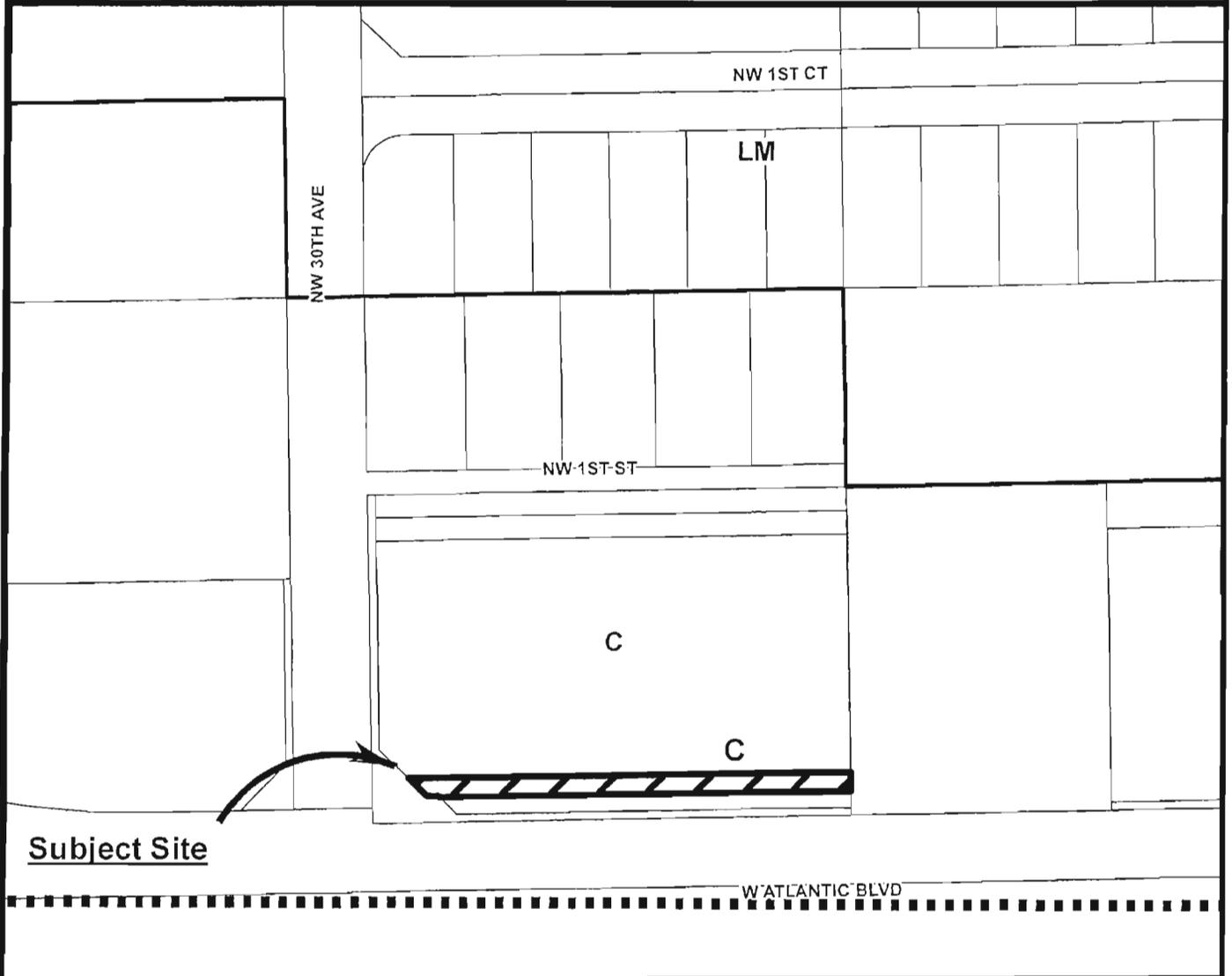
* <b>Existing</b>
> <b>Proposed</b>

**REVIEW AND SUMMARY**

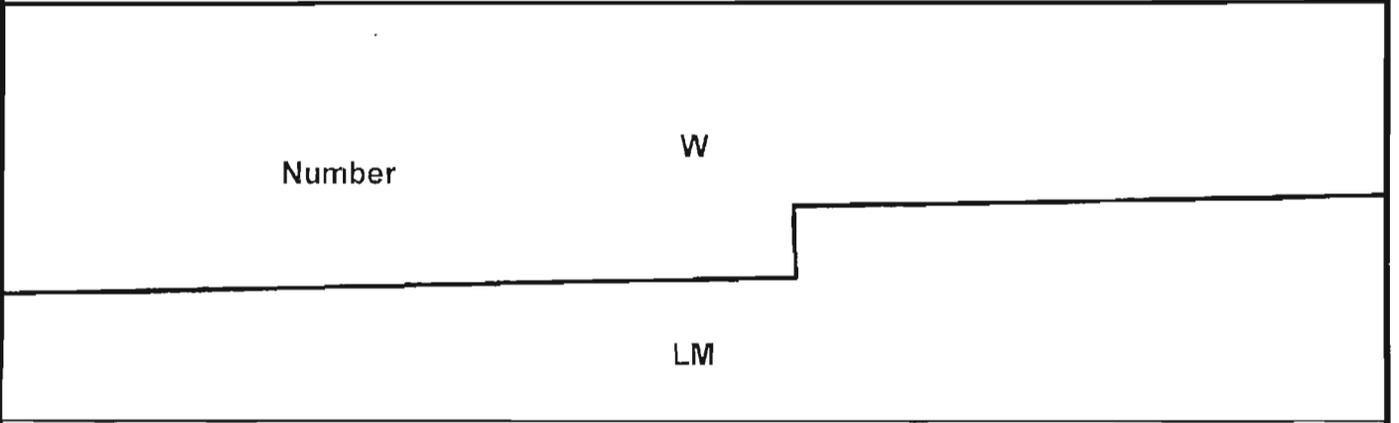
DRC Dates: Note that Vacation/ Abandonment Requests do not go to DRC.

<b>Zoning Department:</b>	<b>No Objection</b>
<b>Community Redevelopment Agency</b>	<b>No Comment Received Yet</b>
<b>Code Compliance</b>	<b>No Objection</b>
<b>Fire Department:</b>	<b>No Comment Received Yet</b>
<b>Engineering Department:</b>	<b>No Comment Received Yet</b>
<b>Public Works Department:</b>	<b>No Objection</b>
<b>Utilities Department:</b>	<b>No Comment Received Yet</b>
<b>AT&amp;T:</b>	<b>No Objection If Conditioned per page 8</b>
<b>TECO Gas:</b>	<b>No Objection</b>
<b>Department of Transportation:</b>	<b>No Comment Received Yet</b>
<b>FP&amp;L:</b>	<b>No Objection If Conditioned per page 8</b>
<b>Comcast Cable:</b>	<b>No Objection If Conditioned per page 8</b>

# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



Subject Site

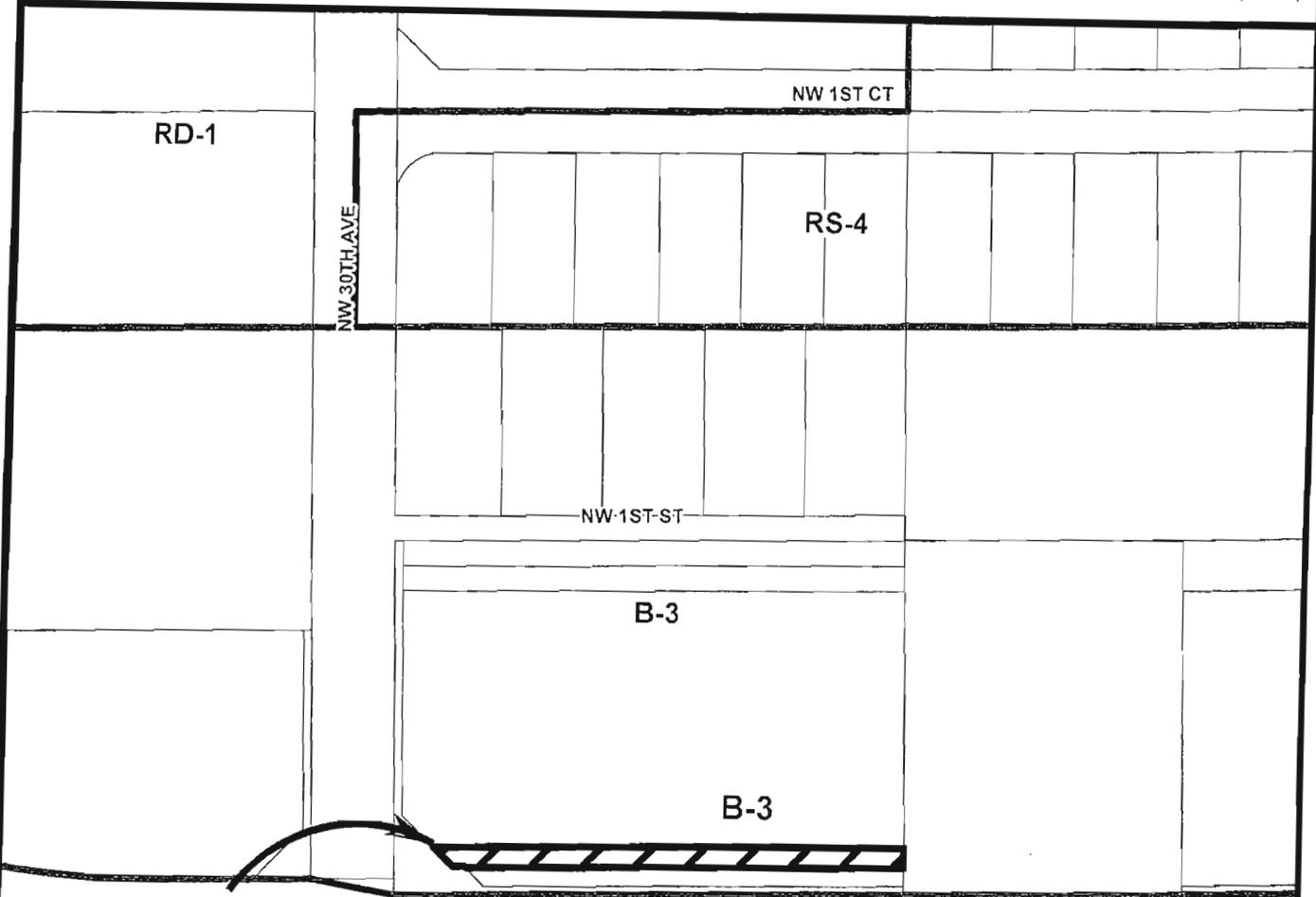


1 in = 104 ft

3

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH OFFICIAL ZONING MAP



Subject Site

W ATLANTIC BLVD

T

RM-45

1 in = 104 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH AERIAL MAP



**Subject Site**

W ATLANTIC BLVD

1 in = 104 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES



## 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 Comment Received Yet</b>
<b>Code Compliance</b>	<b>No Objection</b>
<b>Fire Department:</b>	<b>No Comment Received Yet</b>
<b>Engineering Department:</b>	<b>No Comment Received Yet</b>
<b>Public Works Department:</b>	<b>No Objection</b>
<b>Utilities Department:</b>	<b>No Comment Received Yet</b>
<b>AT&amp;T:</b>	<b>No Objection If Conditioned per page 8</b>
<b>TECO Gas:</b>	<b>No Objection</b>
<b>Department of Transportation:</b>	<b>No Comment Received Yet</b>
<b>FP&amp;L:</b>	<b>No Objection If Conditioned per page 8</b>
<b>Comcast Cable:</b>	<b>No Objection If Conditioned per page 8</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. This request will not be placed on a City Commission Agenda until all comments are received from each service provider, or until 60 days from the date of this recommendation, whichever occurs first.
2. The applicant must assume any cost associated with the relocation of any utilities if required and a new recorded easement will need to be dedicated for such utility(s).

#### **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  
FLORIDA

**CITY HALL OFFICES:**

100 W. Atlantic Boulevard  
Pompano Beach, Florida  
PHONE: (954) 786-4662

*Visit Our Website At:*  
<http://www.pompanobeachfl.gov>

**MAILING ADDRESS:**

City of Pompano Beach  
P.O. Box 1300  
Pompano Beach, FL 33061

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PLANNING AND ZONING BOARD/LOCAL  
PLANNING AGENCY

January 27<sup>th</sup>, 2016  
Wednesday

City Commission Chambers

7:00 P.M.

***AGENDA***

A. Call to order by the Vice Chairman of the Board, Mr. Dwight Evans.

B. **ROLL CALL:**

- Elizabeth Anderson
- M. Dwight Evans
- Richard Klosiewicz
- Joan Kovac
- Jerold Mills
- Fred Stacer *Tardy*
- Jeff Torrey
- Maggie Barszewski
- Karen Friedman
- Paola West
- Jennifer Gomez
- Kerrie MacNeil
- Carrie Sarver
- Michael Horan
- Graham Penn
- Sharyn Pachnek
- Jan Shields
- Vincent Cavarra
- Angelina Rosenberg

*Also Present*

G.    ABANDONMENT / VACATION REQUESTS



2.    RACETRAC PETROLEUM, INC. / WEST ATLANTIC EASEMENT VACATION HEARD FIRST

Planning and Zoning #15-27000010

Consideration of the request by **THOMAS ENGINEERING GROUP** on behalf of **RACETRAC PETROLEUM, INC.** to abandon the 12-foot wide utility easement located on the northeast corner of NW 30th Avenue and W. Atlantic Blvd. The property is legally described as follows:

AN EASEMENT LYING IN A PORTION OF PARCEL 'A', ENGSTROM PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 152, PAGE 45, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID PARCEL 'A', ENGSTROM PLAT; THENCE SOUTH 88°50'44" WEST, ALONG THE SOUTH LINE OF SAID PARCEL 'A', A DISTANCE OF 272.77 FEET; THENCE NORTH 46°11'32" WEST, A DISTANCE OF 16.98 FEET; THENCE NORTH 88°50 '44" EAST, A DISTANCE OF 284.78 FEET; THENCE SOUTH 01°09'31" EAST, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 3345.28 SQUARE FEET.

AKA: NW 30 AV & WEST ATLANTIC BL

ZONED: General Business (B-3)

STAFF CONTACT: Maggie Barszewski (954)786-7921

Maggie Barszewski introduced herself to the Board and stated that Thomas Engineering on behalf of RaceTrac Petroleum is requesting this 12-foot utility Easement Abandonment. The subject property is located on the northeast corner of Northwest 30th Avenue and West Atlantic Boulevard. RaceTrac is constructing a 4,155 sq. ft. fuel station, however the proposed location of the underground fuel tanks happens to be where there is currently a utility easement running along the southern portion of the property. Mrs. Barszewski stated that five of the eleven service providers have yet to provide comments; therefore, staff is recommending a condition to hold the request off of a City Commission agenda until all comments are received or until 60 days – whichever occurs first. Also AT&T and FP&L requested the following condition:

1. The applicant must assume any cost associated with the relocation of any utilities if required and a new recorded easement will need to be dedicated for such utility(s).

Mrs. Barszewski stated that Staff is recommending approval with two conditions:

1. This request will not be placed on a City Commission Agenda until all comments are received from each service provider, or until 60 days from the date of this recommendation, whichever occurs first.

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Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem

2. The applicant must assume any cost associated with the relocation of any utilities if required and a new recorded easement will need to be dedicated for such utility(s).

Mrs. Barszewski stated that the applicant is present.

Angelina Rosenberg (1000 Corporate Drive Fort Lauderdale, FL) introduced herself to the Board as the applicant's representative.

Dr. Mills asked if a fuel station was another term for convenience store. Ms. Rosenberg answered that it is a convenience store and gas station. Dr. Mills asked if the fire and engineering departments will have input on this item. Mrs. Barszewski stated that these departments have been involved but we have not received the comments. Mrs. Barszewski stated that the fire department has been involved in the site plan process.

Mrs. Anderson asked which utilities are in the easement. Mrs. Barszewski answered that AT&T and FPL are located in the easement and we received responses from these companies stating that they have concerns of possible utilities relocation.

Mr. Evans asked if they have not received responses from five of the eleven. Mrs. Barszewski confirmed. Mrs. Barszewski added that the responses are required before placement on City Commission agenda because it was made a condition.

Mr. Evans asked which five companies Staff has not heard from. Mrs. Barszewski answered: CRA, Fire, Engineering, Utilities, and Department of Transportation.

Mrs. Kovac suggested adding a condition that the item could not move onto the City Commission until these comments are received.

Mrs. Anderson asked if one of the entities replied with an objection, would the item be brought back to the Board. Mrs. Barszewski stated that they would create a condition that would satisfy the objecting comment.

The Applicant mentioned that they have a 22 foot easement in total and they are only abandoning 12 feet of the easement. The applicant also added that they will relocate any utilities out of the portion that they wish to abandon.

Mr. Evans asked if the audience had any questions and received no answer.

**MOTION** was made by Joan Kovac and seconded by Richard Klosiewicz to recommend approval of the easement vacation, subject to the two (2) conditions of staff. All voted in favor of the above motion; therefore, the motion passed.

Mr. Evans asked if the applicant has any objections to the conditions and the applicant responded that they have no objections.