



City Attorney's Communication #2016-933

June 20, 2016

TO: Maggie Barszewski, AICP, Planner

FROM: Mark E. Berman, City Attorney

RE: Ordinance Vacating a Utility Easement for Pompano Pet Lodge – 930 NW 31st Avenue

As requested in your memorandum of June 14, 2016, Department of Development Services Memorandum #16-325, 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 TWELVE FOOT UTILITY EASEMENT LYING EAST OF NORTHWEST 31ST AVENUE AND NORTH OF NW 8TH STREET ALONG THE SOUTHERN PERIMETER OF THE FLOWERS DISTRIBUTION CENTER PLAT, TRACT "A," AND COMMONLY KNOWN AS 930 NW 31ST 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/2016-933

Attachment

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

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A TWELVE FOOT UTILITY EASEMENT LYING EAST OF NORTHWEST 31ST AVENUE AND NORTH OF NW 8TH STREET ALONG THE SOUTHERN PERIMETER OF THE FLOWERS DISTRIBUTION CENTER PLAT, TRACT "A," AND COMMONLY KNOWN AS 930 NW 31ST 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 lying east of NW 31st Avenue and north of NW 8th Street along the southern perimeter of the Flowers Distribution Center Plat, Tract "A," commonly known as 930 NW 31st 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.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
6/20/16
L:ord/2016-239

COUSINS SURVEYORS & ASSOCIATES, INC.



3921 SW 47TH AVENUE, SUITE 1011
 DAVIE, FLORIDA 33314
 CERTIFICATE OF AUTHORIZATION : LB # 6448
 PHONE (954) 689-7766 FAX (954) 689-7799

PROJECT NUMBER : 8027-16

CLIENT :
 JOHN GLORIEUX

LAND DESCRIPTION AND SKETCH

LAND DESCRIPTION:

THAT PART OF A 12.00 FOOT WIDE UTILITY EASEMENT, "FLOWERS DISTRIBUTION CENTER", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 139, PAGE 42 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS :

THE SOUTH 12 FEET OF SAID TRACT "A" LESS THE EAST 25 FEET AND ALSO LESS THE WEST 12 FEET, THEREOF.

SAID LANDS, SITUATE LYING AND BEING IN BROWARD COUNTY, FLORIDA.

NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. DATA SHOWN HEREON DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF TRACT "A" "FLOWERS DISTRIBUTION CENTER", P.B. 139, PG. 42, B.C.R. SAID LINE BEARS S89°59'56"W.

I HEREBY CERTIFY THAT THE ATTACHED "LAND DESCRIPTION AND SKETCH" IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION IN MAY, 2016. I FURTHER CERTIFY THAT THIS "LAND DESCRIPTION AND SKETCH" MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE. PURSUANT TO SECTION 472.027, FLORIDA STATUTES. SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY: _____

RICHARD E. COUSINS
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA REGISTRATION NO. 4188

REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION AND SKETCH	05/24/16	----	AM	REC

LAND DESCRIPTION
 AND SKETCH
 TO VACATE
 12' UTILITY
 EASEMENT

PROPERTY ADDRESS :
 930 NW 31ST AVENUE

SCALE: N/A

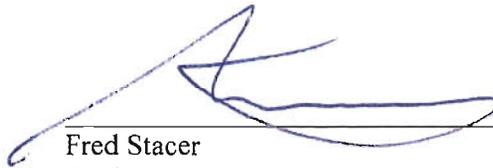
SHEET 1 OF 2

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #16-040**

DATE: June 28, 2016
TO: City Commission
FROM: Planning and Zoning Board/ Local Planning Agency
SUBJECT: UTILITY EASEMENT ABANDONMENT
930 NW 31 AVENUE
P & Z #16-27000001 Pompano Pet Lodge Abandonment

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on June 22, 2016, the Board considered the request by **1Three453LLC** requesting ABANDONMENT OF A TWELVE (12)-FOOT UTILITY EASEMENT on the above referenced property.

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



Fred Stacer
Chairman
Planning and Zoning Board/ Local Planning Agency

MEMORANDUM

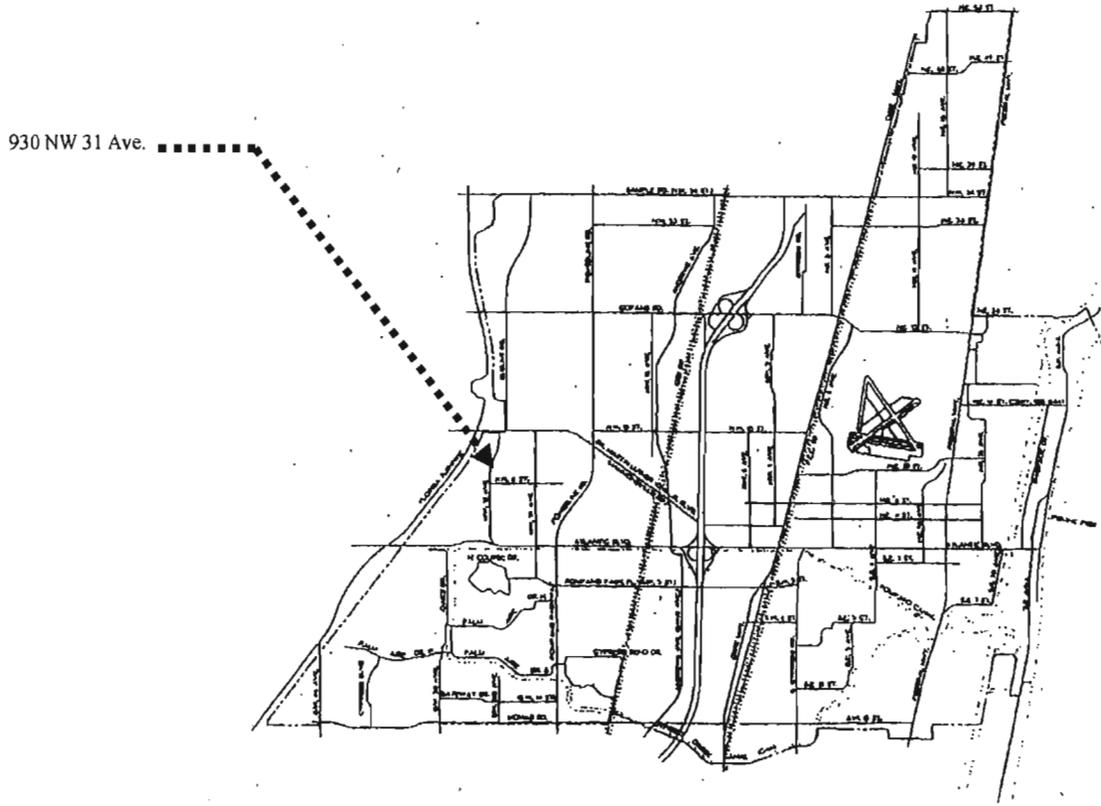
Development Services

MEMORANDUM NO. 16-272

DATE: June 8, 2016
TO: Planning & Zoning Board
VIA: Robin M. Bird, Development Services Director *RB*
FROM: Maggie Barszewski, AICP, Planner *MB*
RE: Request for abandonment of a Utility Easement Located at 930 NW 31 Avenue

P & Z # 16-2700001

The Applicant & property owner, John Glorieux, on behalf of 1 Three 453 LLC., is requesting the abandonment of a 12-foot utility easement located at 930 NW 31 Avenue. The applicant is constructing an indoor/outdoor kennel facility; however, the easement is located in an area where some of the buildings will exist. The area to be abandoned is approximately 7,259.52 square feet.



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

*	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

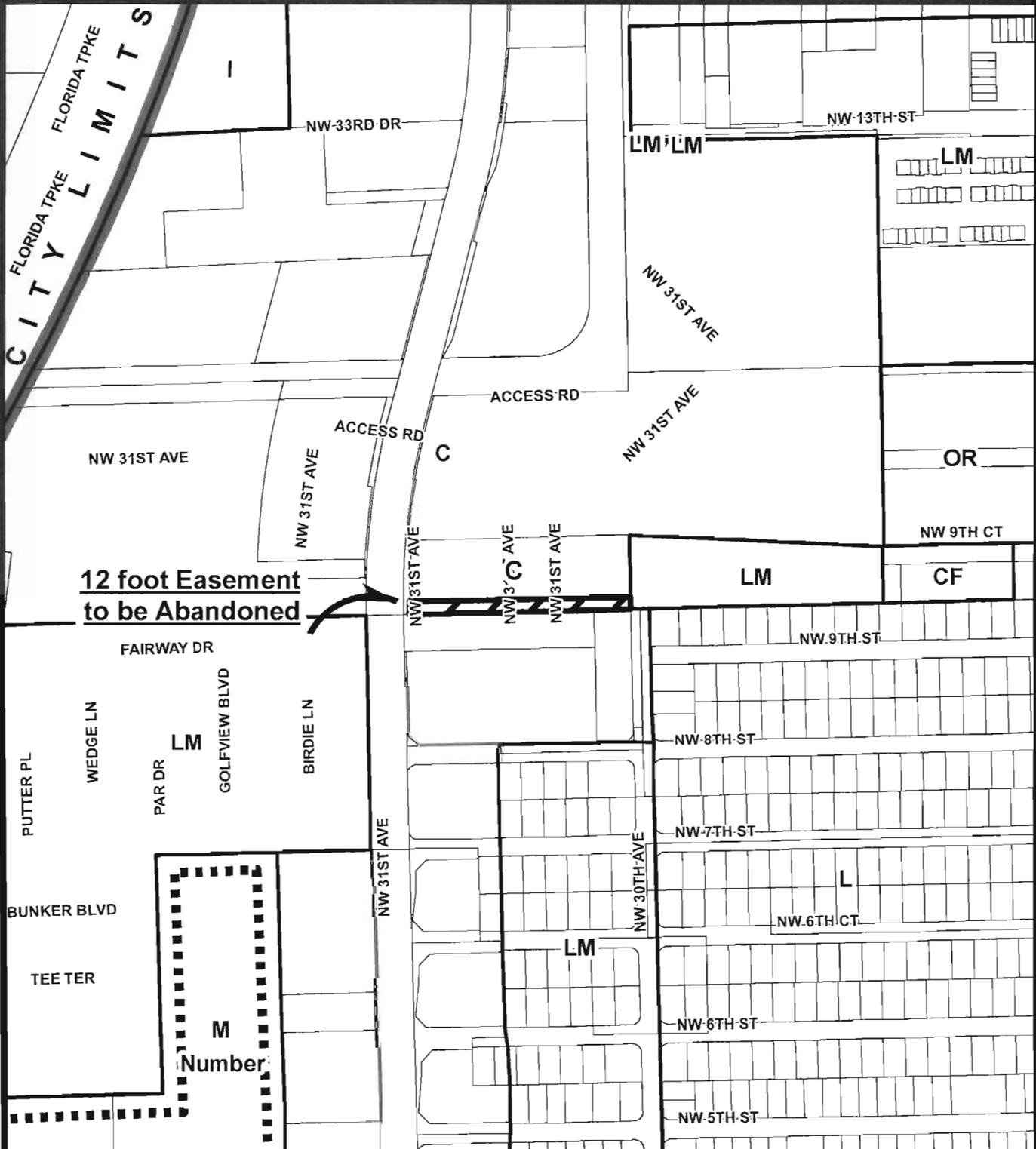
CR Commercial Recreation

CF Community Facilities

T Transportation

PU Public Utility

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



**12 foot Easement
to be Abandoned**

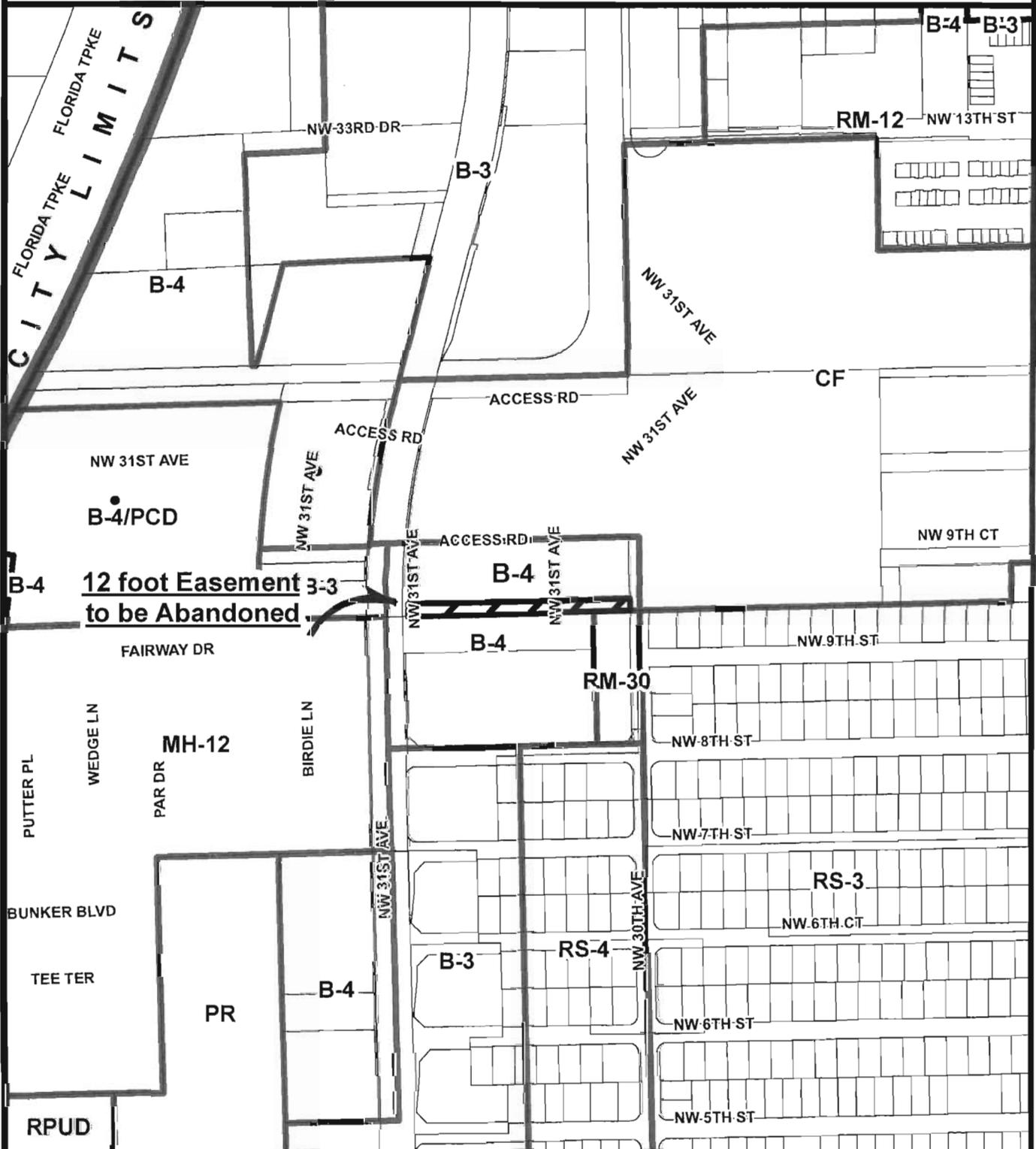
**M
Number**

1 in = 375 ft

3

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

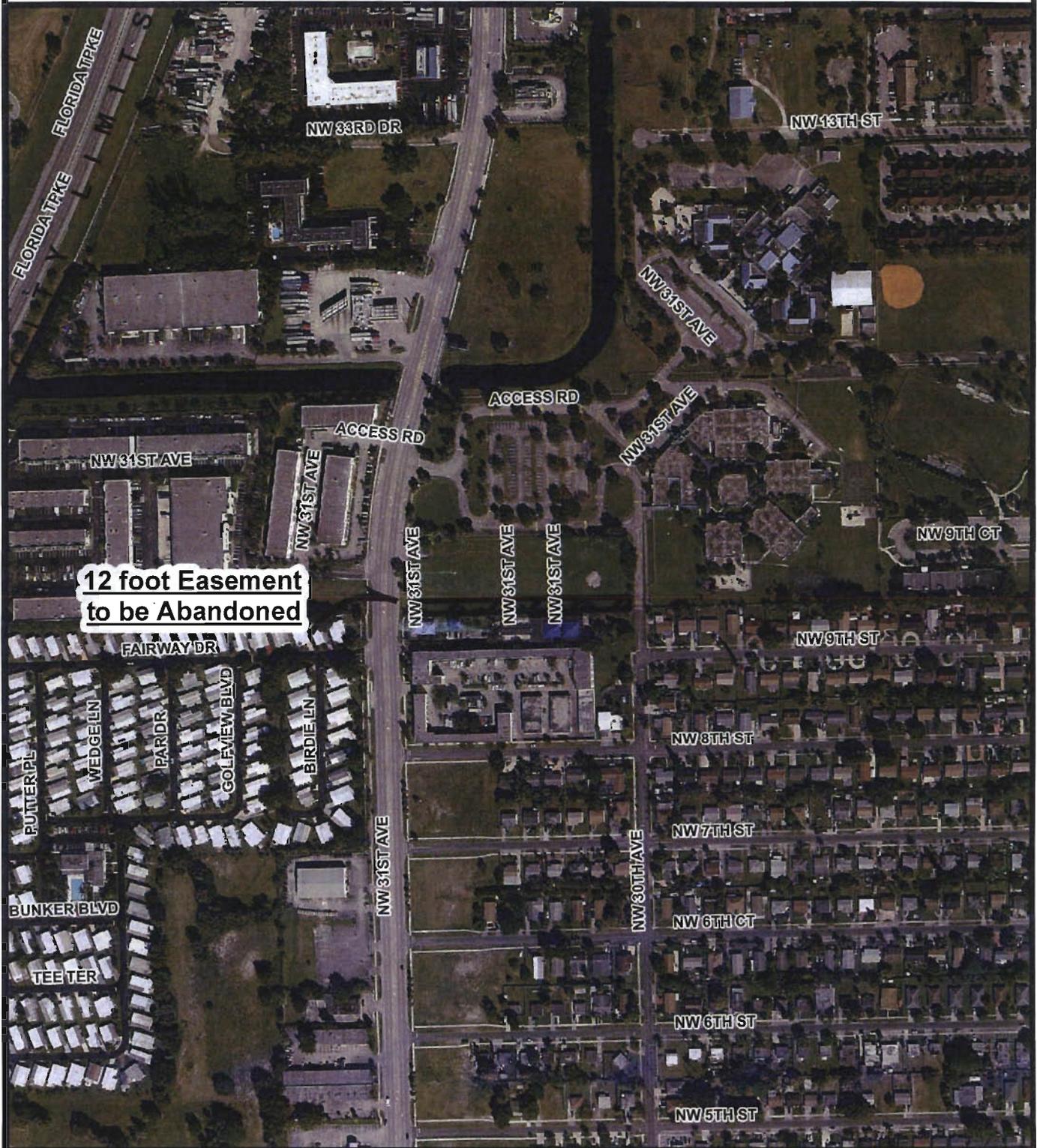
CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 375 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH AERIAL MAP



**12 foot Easement
to be Abandoned**

1 in = 375 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 Comment Received Yet
FP&L:	No Comment Received Yet
Comcast Cable:	No Comment Received Yet

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.

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.

E. INDIVIDUALS TESTIFYING PLACED UNDER OATH

City staff and members of the public testifying before the Board at the meeting were placed under oath by Kerrie MacNeil, Zoning Technician and Notary Public in the State of Florida.

F. ABANDONMENT / VACATION REQUESTS

**1. 1 THREE 453 LLC / POMPANO PET LODGE EASEMENT
ABANDONMENT
Planning and Zoning #16-27000001**

Consideration of the request by **JOHN GLORIEUX** on behalf of **1THREE453 LLC** to abandon a portion of a 12-foot utility easement located at 930 NW 31 Avenue. The property is legally described as follows:

THAT PART OF A 12.00 FOOT WIDE UTILITY EASEMENT, "FLOWERS DISTRIBUTION CENTER", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 139, PAGE 42 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 12 FEET OF SAID TRACT "A" LESS THE EAST 25 FEET AND ALSO LESS THE WEST 12 FEET, THEREOF.

SAID LANDS, SITUATE LYING AND BEING IN BROWARD COUNTY, FLORIDA.

AKA: Utility Easement on 930 NW 31st Avenue

ZONED: Heavy Business (B-4)

STAFF CONTACT: Maggie Barszewski (954)786-7921

Jennifer Gomez introduced herself to the Board and stated that this request has been submitted by the property owner John Glorieux on behalf of 1THREE453 LLC for the abandonment of a twelve-foot utility easement 12-foot located at 930 NW 31st Avenue. The applicant is constructing an indoor/outdoor kennel facility known as the Pompano Pet Lodge; however, the easement is located in an area where some of the buildings will exist. The area to be abandoned is approximately 7,259 square feet. Ms. Gomez stated that at the time the report was written, we received no objection letters from every utility company except for three. However, at this point in time, there are no outstanding utility companies with any objections.

Ms. Gomez stated that Staff provides the following alternative motions for the Board to review:

I- Approve with conditions

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

Recommend approval to the City Commission. Ms. Gomez stated that there will be no conditions because we have received all utility letters.

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.

The Board did not have any comments or questions for Staff. The applicant did not have anything to add. The public did not have any comments or questions.

MOTION was made by Jerry Mills and seconded by Joan Kovac to recommend approval of the proposed easement abandonment without any conditions of Staff. All voted in favor of the above motion; therefore, the motion passed.

**2. JEAN C. EMMANUEL / VACATION OF RIGHT-OF-WAY AT SOUTHLAND AVENUE
Planning and Zoning #14-18000001**

Consideration of the request by **JEAN C. EMMANUEL** to abandon a 30-foot by 157-foot portion of SW 9th Street public right-of-way. The proposed vacation area is located approximately 160 feet north of SW 8th Street, and lying east of the I-95 wall. The property is legally described as follows:

THIRTY FEET (30') OF S.W. 9TH AVENUE LYING CONTIGUOUS AND ADJACENT TO LOTS 10, 11 AND 12, BLOCK 12, OF THE AMENDED PLAT OF FAIRVIEW, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 25, OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA, LYING AND BEING IN THE CITY OF POMPANO BEACH, FLORIDA.

AKA: Right-of-way on SW 9th Avenue or Southland Avenue
STAFF CONTACT: Maggie Barszewski (954)786-7921

Jennifer Gomez introduced herself to the Board and stated that Staff will request to table this item. The Chairman asked if the applicant was present and Ms. Gomez responded that the applicant was informed prior to the meeting that Staff would be requesting tabling and they are not in attendance.

MOTION was made by Walter Syrek and seconded by Richard Klosiewicz to table the item.

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



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

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

Request for Vacation

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 Easement Right-of-Way Vacation on the following described property:

Flowers Distribution Center 139-42 B Tract "A" Less E 25
Subdivision (If Acreage, attach legal description.) Block Lot(s)
930 NW 31 Ave 12' Utility
Street Address Type of Easement (if applicable)

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

Required during D.R.C. process.

1 Three 453 LLC Owner
Name of Petitioner Petitioner's Interest in Property

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

If so, explain: Owner on 900 NW 31 Ave. Property adjoining to the south

Improvements Located on Property:

Dated this 29 day of February, 2016.

1 Three 453 LLC John Glorieux [X] \$350.00 - Easement Vacation
Property Owner's Name
[] \$1,195.00 - Right-of-Way Vacation
Property Owner's Signature
1248 N Rio Vista Blvd John@PompanoPetLodge.com
Mailing Address (Street Address) Email Address
Ft Laud FL 33301 954 270-4999
Mailing Address (City/ State/ Zip) Telephone Number

Indicate your preferred medium to receive agendas and notifications: [X] Mail [X] E-Mail

Maggie Barszewski

From: Guerrero, Yvette <Yvette.Guerrero@fldot.onmicrosoft.com>
Sent: Thursday, June 09, 2016 1:56 PM
To: Maggie Barszewski
Cc: Verdugo, Henry; Lazarus, Barry; Martinez, Giancarlo; Day, Susan
Subject: FW: Pompano Pet Lodge 12-Foot Utility Easement Abandonment
Attachments: Comment Form.doc.pdf; Legal Sketch.pdf; Legal.pdf

Please be advised that the Department has no objections to the abandonment of the twelve foot (12') utility easement on the south side of "Track A" of the "Flowers Distribution Center" plat. Property is located at 930 NW 31 Avenue in Pompano Beach.

Feel free to contact me if you have any questions.

Yvette Guerrero

Phone: 954-777-4211

Yvette.guerrero@dot.state.fl.us

From: Maggie Barszewski [<mailto:Maggie.Barszewski@copbfl.com>]
Sent: Wednesday, June 08, 2016 5:22 PM
To: KEEVE, OTIS T; Verdugo, Henry; Martin Baret; Peter McGinnis; Radford, Gary; Guerrero, Yvette
Subject: RE: Pompano Pet Lodge 12-Foot Utility Easement Abandonment

Dear Service Provider,

SECOND NOTICE:

I still have not received any comment concerning this request. Please respond.

Sincerely,
Maggie Barszewski, AICP

From: KEEVE, OTIS T [<mailto:ok1184@att.com>]
Sent: Friday, March 04, 2016 6:00 PM
To: Maggie Barszewski
Subject: Automatic reply: Pompano Pet Lodge 12-Foot Utility Easement Abandonment

off
Friday 03-04-2016 returning Monday 03-07-2016.
For emergencies only contact Garth Bedward at 561 357-6553.

MEMORANDUM

DATE: March 4, 2016
TO: Department of Development Services, Code Enforcement, Fire Department, Engineering Department, Public Works Department, Utilities Administration, Florida Power and Light Company, AT&T, TECO Peoples Gas Systems, Comcast Communications, Department of Transportation
FROM: Pompano Beach Planning and Zoning Board
SUBJECT: ABANDONMENT - Utility Easements Abandonment

Please be advised that the John Glorieux, of the 1Three 453 LLC is requesting a 12-foot Utility Easement Abandonment as shown in the attached survey. Please provide your comments on the attached form. We would appreciate your completing the appropriate portion of the response form as follows:

SECTION I:

DATE: 6/24/16

Signature: [Handwritten Signature]

We have NO OBJECTIONS to this abandonment as requested. please see attachment
Christina Kate / Associate Engineer
Print Name and Official Title

SECTION II:

DATE: _____

We have NO OBJECTIONS to this abandonment request subject to retention of the utility easement described on the attached page.

Signature _____ Print Name and Official Title _____

SECTION III:

DATE: _____

We OBJECT to this abandonment request for the following reasons:

Signature _____ Print Name and Official Title _____

NOTE: Please retain one copy of this memorandum form and the back-up material for your files and return the other signed memorandum form to this office. Your response within 30 days of this date would be greatly appreciated so we can begin processing this request before the Planning and Zoning Board and the City Commission.

Maggie Barszewski, AICP
City of Pompano Beach
P.O. Drawer 1300
Pompano Beach, Florida 33061
PHONE: (954) 786-7921
EMAIL: Maggie.Barszewski@copbf.com



330 SW 12th Ave Pompano Beach, FL 33069

June 22nd, 2016

Maggie Barszewski, AICP
City of Pompano Beach
P.O. Drawer 1300
Pompano Beach, FL 33061

RE: No Objection Letter for Pompano Pet Lodge – 12 Foot Utility Easement Abandonment

Per your request, FPL has no objection to the proposed sketch requesting the abandonment of the 12 foot utility easement along the south border of the property 930 NW 31st Ave, Pompano Beach.

Please be advised that for any future projects requiring FPL facilities, the customer will need to provide any additional easements needed by FPL. These easements will be required prior o construction or installation of FPL facilities.

Should any FPL facilities be subsequently discovered that need to be relocated, the customer will pay for the total costs of any relocation or replacement of those FPL facilities as deemed necessary by FPL or requested by the applicant. Additionally the applicant will pay for any relocation costs associated with any relocation of FPL facilities due to turn lanes, de-acceleration lanes, road right-of-way vacations etc.

FPL will require a complete set of plans prior to construction. These would include site, civil, landscape, and electrical. As the FPL engineering, design, and construction process encompasses about a four to six month schedule it is imperative that complete plans be provided well in advance of construction.

If I can be of assistance feel free to contact me at 954-956-2047. My fax is 954-956-2020.

Sincerely,

A handwritten signature in black ink that reads "Christina Kale".

Christina Kale
Associate Engineer

MEMORANDUM



DATE: March 4, 2016

TO: Department of Development Services Florida Power and Light Company
 Code Enforcement AT&T
 Fire Department TECO Peoples Gas Systems
 Engineering Department Comcast Communications
 Public Works Department Department of Transportation
 Utilities Administration

FROM: Pompano Beach Planning and Zoning Board

SUBJECT: ABANDONMENT – Utility Easements Abandonment

Please be advised that the John Glorieux, of the IThree 453 LLC is requesting a 12-foot Utility Easement Abandonment as shown in the attached survey.

Please provide your comments on the attached form.

We would appreciate your completing the appropriate portion of the response form as follows:

SECTION I:

DATE: leonard_maxwell-

newbold@cable.comcast.com

Digitally signed by leonard_maxwell-
newbold@cable.comcast.com

Date: 2016.06.21 12:50:08 -04'00'

Signature

Print Name and Official Title

SECTION II:

DATE: _____

We have **NO OBJECTIONS** to this abandonment request subject to retention of the utility easement described on the attached page.

Signature

Print Name and Official Title

SECTION III:

DATE: _____

We **OBJECT** to this abandonment request for the following reasons:

Signature

Print Name and Official Title

NOTE: Please retain one copy of this memorandum form and the back-up material for your files and return the other signed memorandum form to this office. Your response within 30 days of this date would be greatly appreciated so we can begin processing this request before the Planning and Zoning Board and the City Commission.

Maggie Barszewski, AICP
 City of Pompano Beach
 P.O. Drawer 1300
 Pompano Beach, Florida 33061
 PHONE: (954) 786-7921
 EMAIL: Maggie.Barszewski@copbfl.com