

CITY OF FORT LAUDERDALE

DEVELOPMENT REVIEW COMMITTEE



CASE COMMENT REPORT

CASE NO. UDP-EV24007

DEVELOPMENT SERVICES DEPARTMENT
700 NW 19TH AVENUE
FORT LAUDERDALE, FLORIDA 33311

URBAN DESIGN AND PLANNING DIVISION
954-828-6520
www.fortlauderdale.gov



CASE INFORMATION

CASE:	UDP-EV24007
MEETING DATE:	November 26, 2024
REQUEST:	Vacation of Easement Review: 1-Foot-Wide by 110-Foot-Long Sewer Easement
APPLICANT:	Oserco USA, LLC. And Paraisobay 36, LLC.
AGENT:	Andrew Schein, Esq., Lochrie & Chakas, P.A.
PROJECT NAME:	3201 NE 58th Street Easement Vacation
PROPERTY ADDRESS:	3201 NE 58th Street
ZONING DISTRICT:	Residential Single Family/Low Medium Density District (RS-8)
LAND USE:	Low-Medium Residential
COMMISSION DISTRICT:	1 – John Herbst
NEIGHBORHOOD ASSOCIATION:	Landings Residential Association
CASE PLANNER:	Nancy Garcia

RESUBMITTAL INFORMATION

- Applicant must provide written responses to all DRC comments contained herein.
- Written responses must specify revisions made to the plans and indicate the sheet.
- Resubmitted plan sets must be accompanied by responses to be accepted.
- Any additional documentation must be provided at time of resubmittal.
- Resubmittals must be conducted through the City's online citizen's portal LauderBuild.
- Questions can be directed to the Case Planner assigned to the case.



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CASE COMMENTS:

Please provide a written response to each of the following comments:

1. The survey provided shall be based on a Standard Title Commitment issued by a title insurer licensed to do business in Florida or an Opinion of Title issued by an attorney admitted to the Florida Bar.
 - a. Applicant to provide copy of deed book records for easement background and purpose.
 - b. Show/label location of City stormwater infrastructure that exists within current 12' Drainage Easement (i.e. along west boundary of 3201 NE 58th St property), including drainage inlet within adjacent City R/W (near southwest corner of property), 15" RCP that drains north towards sea wall (along west property boundary), and 15" RCP connection with sea wall (near northwest corner of property).
2. Please contact City's Public Works Department, Roberto Betancourt at Rbetancourt@fortlauderdale.gov (954-828-6982) or Igor Vassiliev at IVassiliev@fortlauderdale.gov (954-828-5862), for stormwater infrastructure, to verify and determine whether there are any public utilities present within the easement to be considered for vacation. If so, a surveyed location of the utilities shall be provided to staff for review, the full cost of relocation of the utilities shall be borne by the Applicant, and the utility relocation plan shall be reviewed and approved by the City's Public Works Department prior to implementation.
 - a. Provide letter from City's Public Works Department, demonstrating their interests in maintaining or no objection to the vacation of this Easement; the letter should specifically state whether or not the franchise utility provider has existing facilities within the Easement vacation area that will need to be relocated or abandoned.
3. Please be advised that the stamped PDF copy of the surveyor's Sketch and Description provided, is to be routed internally to the City Surveyor for review and approval of the Easement to be considered for vacation. The approved surveyor's sketch shall then be routed to the Land Development Manager or designee for signoff, prior to submittal to the case planner for final authorization to present this item to the City Commission.
4. Please be advised that the vacating resolution shall not be in full force and effect until an Engineer's Certificate is executed by the City Engineer. This Engineer's Certificate shall be executed by the proper authorities and recorded in the public records of Broward County. A copy of the recorded certificate is to be provided to the City upon recordation. The City Engineer's certificate shall also state that all existing facilities located within the vacated easement have been relocated or abandoned to the satisfaction of the respective utility owners.
5. Additional comments may be forthcoming at the meeting.



Case Number:UDP-EV24007

CASE COMMENTS:

Please provide a response to the following:

1. Pursuant to State Statute 166.033(1) the application must be deemed approved, approved with conditions, or denied within 180 days of completeness determination, on or before April 30, 2025 unless a mutually agreed upon time extension is established between the City and the applicant. Please provide a statement requesting and agreeing to a waiver of these timeframes, or request a specified amount of additional time to address the comments and provide sufficient time for review and approval. Failure to meet the applicable timeframe or request an extension may result in the application being denied by the City and the applicant may be required to refile a new application and fees to proceed.
2. The applicant is strongly encouraged to contact neighbors adjacent to, as well as condominium and neighborhood associations located within three hundred feet (300') of the development site, to advise of this proposal (a listing of officially-recognized associations is provided on the City's website: <https://www.fortlauderdale.gov/government/departments-a-h/city-manager-s-office/office-of-neighbor-support/neighborhood-associations> and a map of neighborhood associations may be found at: <http://gis.fortlauderdale.gov/propertyreporter>). Please provide acknowledgement and/or documentation of any public outreach.
3. The proposed vacation easement requires review and approval by the City Commission. A separate application and fee are required for City Commission review.
4. The site is designated Low Medium Residential on the City's Future Land Use Map. This is not a determination on consistency with Comprehensive Plan Goals, Objectives and Policies.
5. A letter must be provided from the City of Fort Lauderdale Public Works Department indicating no objections to the vacation. If any easements are required, legal and easement documents must be provided prior to this item being scheduled for City Commission. If any facilities need to be relocated, plans satisfactory to that agency must be approved prior to City Commission submittal. Contact information for the City of Fort Lauderdale Public Works Department is below:

City of Fort Lauderdale, Department of Public Works
Roberto Betancourt, Program Manager
954.828.6982
rbetancourt@fortlauderdale.gov
6. The sketch and legal descriptions of the proposed area to be vacated shall be prepared by a licensed engineer or surveyor. A search of the Department of Agriculture and Consumer Services database lists the license status of the signing surveyor, Gilberto T. Gavarrete, as "null and void" since 2009. Also, the company "Miami Engineering Group" does not appear to have a surveyor business license. Signoffs from the City Surveyor will be required prior to City Commission submittal.

General Comments

The following comments are for informational purposes.



1. The resolution approving the vacation of easement shall be recorded in the public records of Broward County within (30) days after adoption.
2. Additional comments may be forthcoming at the Development Review Committee meeting.
3. An additional follow-up coordination meeting may be required to review project changes necessitated by the DRC comments. Prior to submitting your plans for Final DRC sign-off, please schedule an appointment with the case planner Nancy Garcia (Email: Ngarcia@fortlauderdale.gov, Phone: 954.828.8958) to review project revisions.



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CASE COMMENTS:

Please provide a written response to each of the following comments:

1. The survey provided shall be based on a Standard Title Commitment issued by a title insurer licensed to do business in Florida or an Opinion of Title issued by an attorney admitted to the Florida Bar.

a. Applicant to provide copy of deed book records for easement background and purpose.

RESPONSE: The drainage easement is not recorded in a deed book. The drainage easement is shown and included on "THE LANDINGS SECOND SECTION" plat, which was included in the initial submission and noted in the narrative. The survey is based on a title commitment dated November 12, 2024.

- b. Show/label location of City stormwater infrastructure that exists within current 12' Drainage Easement (i.e. along west boundary of 3201 NE 58th St property), including drainage inlet within adjacent City R/W (near southwest corner of property), 15" RCP that drains north towards sea wall (along west property boundary), and 15" RCP connection with sea wall (near northwest corner of property).

RESPONSE: The 15" RCP is shown on the updated survey included in this resubmission.

2. Please contact City's Public Works Department, Roberto Betancourt at Rbetancourt@fortlauderdale.gov (954-828-6982) or Igor Vassiliev at IVassiliev@fortlauderdale.gov (954-828-5862), for stormwater infrastructure, to verify and determine whether there are any public utilities present within the easement to be considered for vacation. If so, a surveyed location of the utilities shall be provided to staff for review, the full cost of relocation of the utilities shall be borne by the Applicant, and the utility relocation plan shall be reviewed and approved by the City's Public Works Department prior to implementation.

- a. Provide letter from City's Public Works Department, demonstrating their interests in maintaining or no objection to the vacation of this Easement; the letter should specifically state whether or not the franchise utility provider has existing facilities within the Easement vacation area that will need to be relocated or abandoned.

RESPONSE: The no objection letter from Public Works is included in this submission.

3. Please be advised that the stamped PDF copy of the surveyor's Sketch and Description provided, is to be routed internally to the City Surveyor for review and approval of the Easement to be considered for vacation. The approved surveyor's sketch shall then be routed to the Land Development Manager or designee for signoff, prior to submittal to the case planner for final authorization to present this item to the City Commission.

RESPONSE: Acknowledged, the sketch and legal description was included in the initial submission.

4. Please be advised that the vacating resolution shall not be in full force and effect until an Engineer's Certificate is executed by the City Engineer. This Engineer's Certificate shall be executed by the proper authorities and recorded in the public records of Broward County. A copy of the recorded certificate is to be provided to the City upon recordation. The City Engineer's certificate shall also state that all existing facilities located within the vacated easement have been relocated or abandoned to the satisfaction of the respective utility owners.

RESPONSE: This comment appears to be a copy/paste comment from other vacation applications as it is not applicable to this vacation. An Engineer Certificate does not serve any purpose for this vacation and it's unclear on what the City Engineer would be attesting to in the Engineer Certificate, as there are no utilities

in the vacation area to relocate or abandon.



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RESPONSE: Acknowledged.

2. The applicant is strongly encouraged to contact neighbors adjacent to, as well as condominium and neighborhood associations located within three hundred feet (300') of the development site, to advise of this proposal (a listing of officially-recognized associations is provided on the City's website: <https://www.fortlauderdale.gov/government/departments-a-h/city-manager-s-office/office-of-neighbor-support/neighborhood-associations> and a map of neighborhood associations may be found at: <http://gis.fortlauderdale.gov/propertyreporter>). Please provide acknowledgement and/or documentation of any public outreach.

RESPONSE: Acknowledged.

3. The proposed vacation easement requires review and approval by the City Commission. A separate application and fee are required for City Commission review.

RESPONSE: Acknowledged.

4. The site is designated Low Medium Residential on the City's Future Land Use Map. This is not a determination on consistency with Comprehensive Plan Goals, Objectives and Policies.

RESPONSE: Acknowledged.

5. A letter must be provided from the City of Fort Lauderdale Public Works Department indicating no objections to the vacation. If any easements are required, legal and easement documents must be provided prior to this item being scheduled for City Commission. If any facilities need to be relocated, plans satisfactory to that agency must be approved prior to City Commission submittal. Contact information for the City of Fort Lauderdale Public Works Department is below:

City of Fort Lauderdale, Department of Public Works
Roberto Betancourt, Program Manager
954.828.6982
rbetancourt@fortlauderdale.gov

RESPONSE: The Public Works no objection letter is included in this resubmission.

6. The sketch and legal descriptions of the proposed area to be vacated shall be prepared by a licensed engineer or surveyor. A search of the Department of Agriculture and Consumer Services database lists the license status of the signing surveyor, Gilberto T. Gavarrete, as "null and void" since 2009. Also, the company "Miami Engineering Group" does not appear to have a surveyor business license. Signoffs from the City Surveyor will be required prior to City Commission submittal.

RESPONSE: An updated sketch and legal prepared by John Ibarra & Associates is included in this resubmission.

General Comments

The following comments are for informational purposes.

1. The resolution approving the vacation of easement shall be recorded in the public records of Broward County within (30) days after adoption.
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