



PROJECT NARRATIVE

PROJECT NAME: Regal Trace: Drainage Easement
CASE: #E14003 Vacation of Portion of 60-Foot Easement
LOCATION: 540 NW 4th Avenue
AUTHOR: Linda C. Strutt, AICP
DATE UPDATED: May 28, 2014

The 1994 warranty deed from the City to Regal Trace, Ltd. reserved a 60-foot drainage easement as shown on Exhibit C of the attached warranty deed (recorded at OR Bk. 22347 Pg. 615.)

The 1994 Seventh Amendment to the Land Disposition, Development and Management Agreement between the City and Milton Jones Development Corporation stipulates that once the City's drainage pipe located within the subject easement in conflict with planned building locations has been relocated, the City will vacate the westernmost 40 feet of the easement, reducing the easement to the 20-foot easement included in the agreement as Exhibit C-1.

Recent title commitment research revealed that the westernmost 40-foot portion of the drainage easement reservation was never officially vacated although the pipe was relocated in association with development of the Regal Trace project.

We are seeking now to formally vacate this portion of the easement (described in the attached legal sketch and description) to clear title.

We have received letters of no objection from the franchise utilities and the Public Works Department.



ULDR NARRATIVES

PROJECT NAME: Regal Trace: Drainage Easement
CASE: #E14003 Level IV Vacation of Easements
LOCATION: 540 NW 4th Avenue
AUTHOR: Linda C. Strutt, AICP
DATE UPDATED: May 28, 2104

Sec. 47-24.7. Vacation of easement.

A. Vacation of easement (city commission).

4. Criteria. An application for a vacation of an easement shall be reviewed in accordance with the following criteria:

a. The easement is no longer needed for public purposes.

This easement was reserved by warranty deed (OR BK 22347 Page 615) by the City of Fort Lauderdale for the express purpose of storm drainage. Prior to construction of the Regal Trace project, the City agreed in the 1994 Seventh Amendment to the Land Disposition, Development and Management Agreement between the City and Milton Jones Development Corporation to vacate the westernmost 40 feet of the easement which conflicted with proposed building locations, once the pipe located within the easement had been relocated.

In association with construction of the project, the pipe was relocated, but recent title commitment research revealed that the formal reduction of the easement by vacation has never been accomplished.

and

b. All utilities located within the easement have been or will be relocated pursuant to a relocation plan; and the owner of the utility facilities has consented to the vacation; or a portion of the easement area is maintained; or an easement in a different location has been provided for the utility facilities by the owner to the satisfaction of the city; or any combination of same.

The pipe which was existing within the 60-foot easement has been relocated within the 20-foot portion of the easement to remain. The franchise utilities have been contacted and have confirmed that there are no utility facilities located within the subject easement area.

Sec. 47-25.2. Adequacy requirements.

A. *Applicability.* The adequacy requirements set forth herein shall be used by the city to evaluate the demand created on public services and facilities created by a proposed development permit.

The proposed utility easement vacation will not affect the adequacy of public services and facilities as the portion of the easement to be vacated is not being used to accommodate public utilities.

H. *Potable water:*

- 1. Adequate potable water service shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of potable water systems in accordance with city engineering standards, the Florida Building Code, and applicable health and environmental regulations. The existing water treatment facilities and systems shall have sufficient capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which potable water treatment capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended from time to time. Improvements to the potable water service and system shall be made in accordance with city engineering standards and other accepted applicable engineering standards.**

This easement is not needed to accommodate the existing potable water facilities serving this built development. No expansion of potable water facilities is proposed in this location.

L. *Stormwater.* Adequate stormwater facilities and systems shall be provided so that the removal of stormwater will not adversely affect adjacent streets and properties or the public stormwater facilities and systems in accordance with the Florida Building Code, city engineering standards and other accepted applicable engineering standards.

As noted earlier, the subject 40 feet of this easement is not currently being used to accommodate drainage facilities nor is it needed to accommodate stormwater facilities needed to support the existing development. The drainage pipe has been relocated within the 20 feet of the easement which will remain after the proposed vacation.

N. Wastewater

- 1. *Wastewater:*** Adequate wastewater services shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of a wastewater and disposal system in accordance with applicable health, environmental and engineering regulations and standards. The existing wastewater treatment facilities and systems shall have adequate capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which wastewater treatment or disposal capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended for time to time. Improvements to the wastewater facilities and system shall be made in accordance with the city engineering and accepted applicable engineering standards.

This easement is not needed to accommodate the existing sanitary sewer facilities serving this built development. No expansion of sanitary sewer facilities is proposed in this location.