

Applicant/Developer: John T. Loos
Project: Vacation of a portion of Sylvan Lane
Case No.:
Authored By: Marla Neufeld, Esq.
Dated: December 4, 2013

RIGHT-OF-WAY VACATION AND ADEQUACY REQUIREMENTS NARRATIVE

The Applicant is seeking to vacate a portion of Sylvan Lane (“ROW Area”), adjacent to the real property owned by Applicant located at 12 Sylvan Lane, Fort Lauderdale, Florida in the Harbor Beach neighborhood (“Applicant’s Property”). The Applicant’s Property is currently vacant land and the Applicant is seeking to develop a single family home on the Applicant’s Property. The ROW Area has not been used for vehicular or pedestrian access between A1A and Harbor Beach for over twenty five years and a wall was constructed at the eastern end of the ROW Area between Harbor Beach and A1A, preventing access to Harbor Beach approximately ten years ago. Therefore, the Applicant is seeking the vacation of the ROW Area to allow for the Applicant’s plan of development for the Applicant’s Property.

RIGHT-OF-WAY VACATION NARRATIVE ULDR § 47-24.6

Criteria. An application for a vacation of a right-of-way or other public place shall be reviewed in accordance with the following criteria:

a. The right-of-way or other public place is no longer needed for public purposes. The ROW Area that the Applicant is proposing to vacate is vacant land not used by the general public. The ROW Area does not serve as a thoroughfare and does not provide vehicular or pedestrian access between A1A and the Harbor Beach neighborhood. A road previously existed in the ROW Area but that portion of the road was removed approximately twenty five years ago. The ROW Area contains a cement wall constructed at the eastern end of the ROW Area over ten years ago for safety purposes. The road was removed and the wall was constructed to prevent cars from entering the neighborhood off A1A and injuring the residents of Harbor Beach. The ROW Area contains public utilities that will remain in the ROW Area but the ROW Area does not serve any other public purpose. The other property owner adjacent to the ROW Area proposed to be vacated has joined in this application and consents to the vacation of the ROW Area. Additionally, the homeowners association for the Applicant’s Property supports the

vacation of the ROW Area, provided the Applicant assumes the maintenance obligations for the ROW Area.

b. Alternate routes if needed are available which do not cause adverse impacts to surrounding areas. The ROW Area which the Applicant is proposing to vacate does not provide vehicular or pedestrian access to A1A. The ROW Area is not used by the general public but rather used solely for public utilities, therefore, no alternate routes will be required to serve this area. The ROW Area was closed as a road over twenty five years ago, and the wall constructed at the eastern end of the ROW Area between Harbor Beach and A1A has been in place for over ten years. The residents and visitors of Harbor Beach have access to the neighborhood through Harbor Beach Parkway located approximately 720 feet to the south of the ROW Area.

c. The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area. As illustrated above, the ROW Area that the Applicant is proposing to vacate is vacant land not utilized by the general public and has not provided pedestrian or vehicular access to A1A for over twenty five years. Residents and visitors of Harbor Beach have access to the neighborhood through Harbor Beach Parkway located approximately 720 feet to the south of the ROW Area. Although the ROW Area does not currently provide access from A1A to the Harbor Beach neighborhood, the portion of Sylvan Lane not being vacated would allow for a safe area for vehicles in Harbor Beach to turn around and exit the area.

d. The closure of a right-of-way shall not adversely impact pedestrian traffic. The proposed vacation of the ROW Area will not adversely affect pedestrian travel as it is currently not utilized by pedestrians. The ROW Area's access from Harbor Beach to A1A has been closed for over twenty five years, along with the construction of a wall at the eastern end of the ROW Area over ten years ago, therefore pedestrian access is not available from Harbor Beach to A1A. There are no continuous sidewalks within ROW Area that would adversely impact pedestrian traffic in the ROW Area. Pedestrians can access A1A through Harbor Beach Parkway which is approximately 720 feet to the south of the ROW Area.

e. All utilities located within the right-of-way or other public place 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 utilities easement has been retained over the right-of-way area or portion thereof; 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 and utilities maintenance shall not be disrupted. As part of the proposed development, all utilities located within the vacation area, including any utilities held by the City, will remain in their existing location and new easements will be provided for the utilities to continue their operation and maintenance. All affected utility franchises have provided letters of no objection to the vacation subject to receiving the required easements.

ADEQUACY REQUIREMENTS

NARRATIVE

ULDR § 47-25.2

The adequacy requirements shall be used by the City to evaluate the demand created on public services and facilities created by a proposed development permit.

A. Communications network. The vacation of the ROW Area will not affect City communications. At this time, no buildings or structures are proposed within the ROW Area, thus no interference will be created.

B. Drainage facilities. Stormwater management facilities will not be affected by the vacation of the ROW Area. All existing utilities will remain in their current location.

C. Environmentally sensitive lands. No known environmentally sensitive lands are located within or adjacent to the ROW Area.

D. Fire protection. The vacation of the ROW Area will not impact fire protection service. The ROW Area has been closed as a road for over twenty five years. The road right-of-way does not serve as a thoroughfare and is not utilized by the general public. Vehicular access on Sylvan Lane will remain unchanged as a result of this vacation and there is sufficient roadway remaining along the portion of Sylvan Lane not being vacated to provide emergency vehicle access to all properties adjoining the existing portion of Sylvan Lane. Additionally, fire protection services needing to enter Harbor Beach have access to the neighborhood through Harbor Beach Parkway located approximately 720 feet to the south of the ROW Area.

E. Parks and open space. The vacation of the ROW Area does not affect access to a public park or open space. The request does not generate additional impacts on the City's recreation services.

F. Police protection. The vacation of the ROW Area will not impact police protection service. The ROW Area has been closed as a road for over twenty five years. The road right-of-way does not serve as a thoroughfare and is not utilized by the general public. Vehicular access on Sylvan Lane will remain unchanged as a result of this vacation and there is sufficient roadway remaining along the portion of Sylvan Lane not being vacated to provide police access to all properties adjoining the existing portion of Sylvan Lane.

G. Potable water. The proposed road vacation of the ROW Area does not affect water service. Any existing potable water lines will not be affected by the vacation of the road right-of-way. All existing utilities will remain in their current location.

H. Sanitary sewer. The proposed road vacation does not affect sanitary sewer service. Any existing sewer lines will not be affected by the vacation of the road right-of-way. All existing utilities will remain in their current location.

I. Schools. The vacation of the ROW Area does not affect access to a school. Abutting parcels do not include a school.

J. Solid waste. The vacation of the ROW Area will not impact garbage collection service or generate additional solid waste. The ROW Area has been closed as a road for over twenty five years. The road right-of-way does not serve as a thoroughfare and is not utilized by the general public. Vehicular access on Sylvan Lane will remain unchanged as a result of this vacation and there is sufficient roadway remaining along the portion of Sylvan Lane not being vacated to provide garbage collection service access to all properties adjoining the existing portion of Sylvan Lane. Additionally, garbage collection services needing to enter Harbor Beach have access to the neighborhood through Harbor Beach Parkway located approximately 720 feet to the south of the ROW Area.

K. Stormwater. Stormwater management facilities will not be affected by the vacation of the ROW Area. All existing utilities will remain in their current location.

L. Transportation facilities. Neither traffic circulation, nor the roadway network in general, will be impacted by the requested road vacation. The ROW Area has been closed as a road for over twenty five years. The road right-of-way does not serve as a thoroughfare and is not utilized by the general public. Vehicular access on Sylvan Lane will remain unchanged as a result of this vacation and there is sufficient roadway remaining along the portion of Sylvan Lane not being vacated to provide vehicle access to all properties adjoining the existing portion of Sylvan Lane. Additionally, residents and visitors of Harbor Beach have access to the neighborhood through Harbor Beach Parkway located approximately 720 feet to the south of the ROW Area.

M. Wastewater. No new buildings are currently proposed for the ROW Area, and therefore there will not be additional demand generated on the public wastewater system. The proposed road vacation does not affect wastewater service. Any existing sewer lines will not be affected by the vacation of the road right-of-way. All existing utilities will remain in their current location.

N. Trash management requirements. No new buildings are proposed for the vacation area that necessitate a trash management plan. The vacation of the ROW Area will not impact garbage collection service or generate additional solid waste. Sufficient space will be provided within the remaining portion of Sylvan Lane for adjacent property owners, emergency vehicles and garbage trucks to turn around and exit the area.

O. Historic and archaeological resources. No known historic or archaeological resources are located within or adjacent to the ROW Area.

P. Hurricane evacuation. Access from the ROW Area to A1A has been closed over twenty years with the construction of a cement wall because of safety reasons. The road right-of-way does not serve as a thoroughfare and is not utilized by the general public. Additionally, residents

and visitors of Harbor Beach have a hurricane evacuation route through Harbor Beach Parkway located approximately 720 feet to the south of the ROW Area. This request will not affect hurricane evacuation.