



# SUSTAINABLE DEVELOPMENT – URBAN DESIGN PLANNING RIGHT-OF-WAY/EASEMENT APPLICATION

Rev: 2 | Revision Date: 10/01/2020 | I.D. Number: ROWEA

## DEVELOPMENT REVIEW COMMITTEE (DRC) Right-of-way / Easement Application

**Cover:** Deadline, Notes, and Fees  
**Page 1:** Applicant Information Sheet  
**Page 2:** Required Documentation / Submittal Checklist  
**Page 3:** Other Property & Right-of-Way related items for discussion

**DEADLINE:** Submittals must be received by 4:00 PM each business day. Pursuant to Section 47-24.1(1), the Department will review all applications to determine completeness within five (5) business days. Applicants will be notified via email, if plans do not meet the submittal requirements and if changes are required.

**NOTES:** Prior to formal submittal of applications, applicants are encouraged to schedule an appointment with Urban Design & Planning Division staff to obtain feedback regarding subject proposals, especially right-of-way vacation requests, as well as any other considerable development projects. The meetings provide an opportunity for applicants to obtain feedback and general direction, prior to expending significant effort on design and preparation of submittal documents.

Optional 15-minute time slots are available during DRC meetings for scheduling to applicants, to obtain signatures on completed DRC plans (including Pre-Planning and Zoning Board, Pre- City Commission and Final DRC plans) from all representatives at one time, in preference to scheduling individual appointments. Appointments are subject to availability. To make an appointment, please call 954-828-6531 latest by Friday at 12:00 noon prior to the meeting date.

Other Property & Right-of-Way related items for discussion: the application and submittal requirements are attached on the last page of this application.

**FEES:** All applications for development permits are established by the City Commission, as set forth by resolution and amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City, or special advertising costs shall be paid by the applicant. Any additional costs, which are unknown at the time of application, but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit.

Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, license, encroachment, water and sanitary sewer agreements, shall be preceded by the execution and filing of the following application form and the payment with said application fee of \$100.00, (Ordinance No. C-84-65), which shall be nonrefundable. This application must be presented and the fee paid before agreement is prepared or considered. If publication is necessary, applicant agrees to pay the cost of such publication

<input checked="" type="checkbox"/>	<b>Easement Vacation</b>	<b>\$ 1,600.00</b>
<input type="checkbox"/>	<b>Right-of-Way Vacation</b>	<b>\$ 1,600.00</b>
<input type="checkbox"/>	<b>Development Agreements with the City *</b>	<b>\$ 150.00 / Hour</b>
<input type="checkbox"/>	<b>Other Property &amp; Right-of-Way related items for discussion</b>	<b>\$ 150.00/Hour</b>

\* Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, revocable license, encroachment, water and sanitary sewer agreements)



**Page 1: DRC Vacation / Agreements - Applicant Information Sheet**

**INSTRUCTIONS:** The following information is requested pursuant to the City's Unified Land Development Regulations (ULDR). The application must be filled out accurately and completely. Please print or type and answer all questions. Indicate N/A if does not apply.

NOTE: To be filled out by Department

<b>Case Number</b>	UDP-EV21010
<b>Date of complete submittal</b>	

NOTE: For purpose of identification, the **PROPERTY OWNER** is the **APPLICANT**

<b>Property Owner's Name</b>	FTL/AD LTD
<b>Property Owner's Signature</b>	If a signed agent letter is provided, no signature is required on the application by the owner.
<b>Address, City, State, Zip</b>	92 SE 7 ST STE 601 MIAMI FL 33131
<b>E-mail Address</b>	
<b>Phone Number</b>	
<b>Proof of Ownership</b>	<input type="checkbox"/> Warranty Deed or <input checked="" type="checkbox"/> Tax Record

NOTE: If **AGENT** is to represent **OWNER**, notarized letter of consent is required

<b>Applicant / Agent's Name</b>	Stephanie A. Toothaker, Esq
<b>Applicant / Agent's Signature</b>	<i>Stephanie A. Toothaker</i>
<b>Address, City, State, Zip</b>	501 SW 2nd Avenue, Suite A, Fort Lauderdale, FL 33301
<b>E-mail Address</b>	stephanie@toothaker.org / cc: estefania@toothaker.org
<b>Phone Number</b>	954.648.9376
<b>Letter of Consent Submitted</b>	Attached

<b>Development / Project Name</b>	300 W BROWARD	
<b>Development / Project Address</b>	<u>Existing:</u> 300 W BROWARD BLVD	<u>New:</u> NO CHANGE
<b>Legal Description</b>	FT LAUDERDALE B-40 D ALL LOTS 2 THRU 7, 18 - 23 & POR OF LOTS 1 & 24, BLK 17 DESC AS: BEG SW COR LOT 7, N 335 TO S R/W/L BROWARD BLVD, E	
<b>Tax ID Folio Numbers</b> (For all parcels in development)	5042 10 01 2210	
<b>Request / Description of Project</b>	UTILITY EASEMENT VACATION	
<b>Applicable ULDR Sections</b>	ULDR Section 47-24.7	
<b>Total Estimated Cost of Project</b>	\$ - (Including land costs)	
<b>Current Land Use Designation</b>	D-RAC	
<b>Current Zoning Designation</b>	RAC-CC	
<b>Current Use of Property</b>	PARKING LOT/OFFICE BUILDING	

**Additional property owners who wish to be included in the request, if applicable. Use additional sheets if necessary.**

Name and Signature	Folio Number	Subdivision	Block	Lot

NOTE: Applicant must indicate if/how the following provisions are met:

1. All utilities (list below) located within the easement and/or right-of-way must be relocated pursuant to a relocation plan; and
2. The owner of the utility facilities must consent to the vacation; or
3. A utilities easement must be retained over the area or portion thereof; or
4. An easement in a different location must be provided for the utility facilities by the owner to the satisfaction of the City; or
5. Any combination of same and utilities maintenance are not disrupted.
6. Applicants shall satisfactorily support vacation requests by addressing each point listed in Sections 47-24.6 and 47-24.7 of the city's Unified Land Development Regulations (ULDR) as applicable.

**TECO, Peoples Gas**  
5101 NW 21<sup>st</sup> Avenue  
Fort Lauderdale, FL 33309  
(954) 453-0817, (954) 453-0804 fax

**Florida Power and Light**  
Service Planning  
3020 N.W. 19 St.  
Fort Lauderdale, FL 33311  
(954) 717-2057, (954) 717-2118 fax

**BellSouth**  
8601 W. Sunrise Blvd., 2<sup>nd</sup> Floor  
Plantation, FL 33322  
(954) 476-2909

**Comcast, Inc.**  
2501 SW 145 Ave, Suite 200  
Miramar, FL 33027  
(954) 534-7417, (954) 534-7083 fax





**Page 2: Required Documentation**

**INSTRUCTIONS:** An application for a vacation of an easement, a right-of-way or other public place shall be reviewed in accordance with all applicable provisions of ULDR Sec. 47-24.6 Vacation of Rights-of-Way and/or Sec. 47-24.7 Vacation of Easement.

**One (1) copy of the following documents:**

- Completed application (all pages filled out as applicable)
- Proof of ownership (warranty deed or tax record), including corporation documents if applicable. Proof of ownership by Title Co. or written Attorney's opinion within the last 30 days.
- Property owners signature and/or agent letter signed by the property owner.
- Traffic study for projects that meet the trip threshold (see Sec. 47-24 or contact DRC Engineering Rep.)
- Color photographs of the entire property and all surrounding properties, dated and labeled and identified as to orientation.

**The following number of Plans:**

- One (1) original set, signed and sealed at 24" x 36"
- Six (6) copies sets, with plans at 11" x 17"
- One (1) electronic version of complete application and plans in PDF format

**NOTE:** For initial submittal one signed and sealed set is required. Copied sets will be requested after completion review. If the development site is separated by a public right-of-way including alley or alley reservations, a separate application must be completed for each parcel.

**Plan sets should include the following:**

- Narrative** describing project specifics, to include: architectural style and important design elements, utilities affected and the plan to address them, trash disposal system, security/gating system, hours of operation, etc. Narrative response referencing all applicable sections of the ULDR, with point-by-point responses of how project complies with criteria. Narratives must be on letterhead, dated, and with author indicated.
- Cover sheet** including project name and table of contents.
- Land Use and Zoning maps** indicating all properties within 700 ft. of the subject property. These should be obtained from Urban Design & Planning Division. Site should be highlighted or clearly marked to identify the parcel(s) under consideration on all sets.
- Current survey(s)** of property, signed and sealed, showing existing conditions. The survey should consist of the proposed project site alone excluding adjacent properties or portions of lands not included in the proposal. A current certified boundary survey (within last 6 months) is required for "agreements with City of Fort Lauderdale applications".
- Most current recorded plat** including amendments, with site highlighted. This may be obtained from Broward County Public Records at 115 S. Andrews Ave.
- Aerial photo** indicating all properties within 700 ft. of the subject property. Must be clear and current with site highlighted.
- Sketch and legal description** of easement or ROW proposed to be vacated (must be prepared by Engineer or Surveyor).

**NOTES:**

- All plans and documents must be bound, stapled and folded to 8 1/2" x 11";
- All copy sets must be clear and legible and should include any graphic material in color;
- Civil Engineering plans are only required at Final-DRC sign-off. Contact DRC Engineering Representative for details;

<p><b>Applicant's Affidavit</b> I acknowledge that the Required Documentation and Technical Specifications of the application are met:</p> <p>Print Name <u>Stephanie J. Toothaker, Esq.</u></p> <p>Signature </p> <p>Date <u>November 12, 2021</u></p>	<p><b>Staff Intake Review</b> For Urban Design &amp; Planning Division use only:</p> <p>Date <u>6/1/2022</u></p> <p>Received By </p> <p>Tech. Specs Reviewed By </p> <p>Case No. <u>UDP-EV21010</u></p>
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November 12, 2021

**VIA LAUDERBUILD**

URBAN DESIGN & PLANNING DIVISION  
DEPARTMENT OF SUSTAINABLE DEVELOPMENT  
CITY OF FORT LAUDERDALE  
700 NW 19TH AVE  
FORT LAUDERDALE, FL 33311

**RE: Site Plan Level IV Review: Utility Easement Vacation for 300 W. Broward Blvd  
ULDR Narrative**

On behalf of FTL/AD LTD (“Owner”) and K-A 300 Broward JV LLC (“Developer”), we are respectfully requesting approval to vacate a 14-foot wide utility easement which bifurcates the real property located at 300 West Broward Boulevard, Folio No. 504210012210 (the “Property”). An alley formerly occupied the easement area and was vacated by Ordinance No. C-89-94 and retained as a utilities easement as recorded in Official Records Book 17411, Page 610 of the Public Records of Broward County, Florida (**Exhibit A**). The adjacent 6-foot wide easement recorded in Official Record Book 1617, Page 396 was expressly granted to FP&L and will therefore be concurrently relocated directly with the utility provider since the City of Fort Lauderdale has no interest in the easement (**Exhibit B**).

Provided below is the point-by-point analysis demonstrating the request meets the criteria for a vacation of easement pursuant to ULDR Sec. 47-24.7, Criteria for Vacation of Easement, and Sec. 47-25.2. Adequacy Requirements.

**Sec. 47-24.7. - Vacation of easement.**

A. *Vacation of easement (city commission).*

1. *Applicant.* The applicant shall be the owner of property subject to public easement sought to be vacated or the city.

**RESPONSE: The Applicant owns the subject property located at 300 West Broward Boulevard, Fort Lauderdale, FL 33301. The utility easement vacation is required for the development of the 300 W. Broward project.**

2. *Application.* An application for a vacation of easement shall be made to the department, and shall include a legal description of the easement or portion thereof proposed to be vacated and written consent executed by every utility company with existing utilities or a right to locate such utilities within the easement.

**RESPONSE: The utility easement is more specifically identified in the survey and drawings included in this application. Letters of no objection from all franchised utility companies and the City of Fort Lauderdale have been requested and will be provided upon receipt.**

3. *Review process.*

- a. An application shall be submitted to the development review committee for review to consider if the application meets the criteria for a vacation of easement.
- b. The DRC shall prepare a report to be included with the application regarding existing utilities within the easement and whether the criteria have been met.

**Stephanie J. Toothaker, Esq.**  
land use development political strategy procurement

**Stephanie J. Toothaker, Esq., PA** 954.648.9376 stephanie@toothaker.org @stoothaker @toothakerdevelopment  
401 E Las Olas Blvd, Suite 130-154 Fort Lauderdale, FL 33301

- c. The DRC shall forward its recommendation for a vacation of an easement to the city commission.
- d. During a regular public meeting, the city commission consider the application and the record and recommendations forwarded by the DRC and shall hear public comment on the application.
- e. If the city commission determines that the application meets the criteria for vacation, the city commission shall approve the vacation. If the city commission determines that the proposed development or use does not meet the criteria, the city commission shall deny the vacation.
- f. Approval of a vacation of an easement shall be by resolution adopted by the city commission.

**RESPONSE: Acknowledged and will comply.**

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

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

**RESPONSE: The utility easement will be relocated on the Property as depicted in the FPL Easement Exhibit included in this application. Once the utilities are relocated, the subject easement vacation area will not be needed for public utility purposes.**

- 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 by the utility facilities by the owner to the satisfaction of the city; or any combination of same.

**RESPONSE: All utilities currently located within this easement area will be relocated pursuant to a relocation plan developed with the affected franchise utility company. The Applicant will obtain letters of no objection from all required utility companies.**

- 5. *Appeal.* If an application for vacation is denied by the city commission, the applicant may appeal the decision in accordance with the procedures provided in Section 47-26B, Appeals.

**RESPONSE: Acknowledged.**

- 6. *Effect upon approval.* The resolution approving a vacation of easement shall be recorded in the public records of the county within thirty (30) days after adoption. The resolution may provide for the retention of a utility or other type of easement needed by the city, and may have a delayed effective date in order that any necessary conditions relating to the vacation may be made.

**RESPONSE: Acknowledged.**

**Section 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.
- B. *Communications network.* Buildings and structures shall not interfere with the city's communication network. Developments shall be modified to accommodate the needs of the city's communication network, to eliminate any interference a development would create or otherwise accommodate the needs of the city's communication network within the development proposal.

**RESPONSE: N/A, the proposed utility easement vacation does not interfere with the City's communication network.**

- C. *Drainage facilities.* Adequacy of stormwater management facilities shall be evaluated based upon the adopted level of service requiring the retention of the first inch of runoff from the entire site or two and one-half (2½) inches of runoff from the impervious surface whichever is greater.

**RESPONSE: N/A, the easement vacation will not affect current stormwater management facilities.**

- D. *Environmentally sensitive lands.*

1. In addition to a finding of adequacy, a development shall be reviewed pursuant to applicable federal, state, regional and local environmental regulations. Specifically, an application for development shall be reviewed in accordance with the following Broward County Ordinances which address environmentally sensitive lands and wellfield protection which ordinances are incorporated herein by reference:
  - a. Broward County Ordinance No. 89-6.
  - b. Section 5-198(I), Chapter 5, Article IX of the Broward County Code of Ordinances.
  - c. Broward County Ordinance No. 84-60.
2. The applicant must demonstrate that impacts of the proposed development to environmentally sensitive lands will be mitigated.

**RESPONSE: N/A, the proposed utility easement vacation does not impact environmentally sensitive lands.**

- E. *Fire protection.* Fire protection service shall be adequate to protect people and property in the proposed development. Adequate water supply, fire hydrants, fire apparatus and facilities shall be provided in accordance with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.

**RESPONSE: N/A, refer to site plan application.**

- F. *Parks and open space.*

1. The manner and amount of providing park and open space is as provided in Section 47-38A, Park Impact Fees, of the ULDR.
2. No building permit shall be issued until the park impact fee required by Section 47-38A of the ULDR has been paid in full by the applicant.

**RESPONSE: N/A, refer to site plan application.**

- G. *Police protection.* Police protection service shall be adequate to protect people and property in the proposed development. The development shall provide improvements which are consistent with Crime Prevention Through Environmental Design (CPTED) to minimize the risk to public safety and assure adequate police protection.

**RESPONSE: N/A, refer to site plan application.**

- 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.
2. *Potable water facilities.*
  - a. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.
  - b. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the development.
  - c. Where the county is the projected service provider, a similar written assurance will be required.

**RESPONSE: N/A, the easement vacation does not impact potable water facilities.**

I. *Sanitary sewer.*

1. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from the design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.
2. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the proposed development.
3. Where the county is the projected service provider, a written assurance will be required.
4. Where septic tanks will be utilized, the applicant shall secure and submit to the city a certificate from the Broward County Health Unit that certifies that the site is or can be made suitable for an on-site sewage disposal system for the proposed use.

**RESPONSE: N/A, the easement vacation does not impact sanitary sewer facilities.**

- J. *Schools.* For all development including residential units, the applicant shall be required to mitigate the impact of such development on public school facilities in accordance with the Broward County Land Development Code or section 47-38C. Educational Mitigation, as applicable and shall provide documentation to the city that such education mitigation requirement has been satisfied.

**RESPONSE: N/A, the easement vacation does not impact public school facilities.**

K. *Solid waste.*

1. Adequate solid waste collection facilities and service shall be obtained by the applicant in connection with the proposed development and evidence shall be provided to the city demonstrating that all solid waste will be disposed of in a manner that complies with all governmental requirements.
2. *Solid waste facilities.* Where the city provides solid waste collection service and adequate service can be provided, an adequacy finding shall be issued. Where there is another service provider, a written assurance will be required. The impacts of the proposed development will be determined based on Table 4, Solid Waste, on file with the department.

**RESPONSE: N/A, refer to site plan application.**

- 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.

**RESPONSE: N/A, the easement vacation does not affect stormwater facilities.**

M. *Transportation facilities.*

1. The capacity for transportation facilities shall be evaluated based on Table 1, Generalized Daily Level of Service Maximum Volumes, on file with the department. If a development is within a compact deferral area, the available traffic capacity shall be determined in accordance with Table 2, Flowchart, on file with the department.
2. *Regional transportation network.* The regional transportation network shall have the adequate capacity, and safe and efficient traffic circulation to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the adopted traffic elements of the city and the county comprehensive plans, and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is needed in order to evaluate the impacts of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit such a study to the city which will be considered by the DRC in its review. Roadway improvements needed to upgrade the regional transportation network shall be made in accordance with the city, the county, and Florida Department of Transportation traffic engineering standards and plans as applicable.
3. *Local streets.* Local streets shall have adequate capacity, safe and efficient traffic circulation, and appropriate functional classification to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the city's comprehensive plan and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is required in order to evaluate the impact of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit to the city such a study to be considered as part of the DRC review. Street improvements needed to upgrade the capacity or comply with the functional classification of local streets shall be made in accordance with the city engineering standards and acceptable applicable traffic engineering standards. Local streets are those streets that are not classified as federal, state or county roadways on the functional classification map adopted by the State of Florida.



4. *Traffic impact studies.*

- a. When the proposed development may generate over one thousand (1,000) daily trips; or
- b. When the daily trip generation is less than one thousand (1,000) trips; and (1) when more than twenty percent (20%) of the total daily trips are anticipated to arrive or depart, or both, within one-half ( $\frac{1}{2}$ ) hour; or (2) when the proposed use creates varying trip generation each day, but has the potential to place more than twenty percent (20%) of its maximum twenty-four (24) hour trip generation onto the adjacent transportation system within a one-half ( $\frac{1}{2}$ ) hour period; the applicant shall submit to the city a traffic impact analysis prepared by the county or a registered Florida engineer experienced in trafficways impact analysis which shall:
  - i. Provide an estimate of the number of average and peak hour trips per day generated and directions or routes of travel for all trips with an external end.
  - ii. Estimate how traffic from the proposed development will change traffic volumes, levels of service, and circulation on the existing and programmed trafficways.
  - iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local trafficways, define what city, county or state agencies have programmed the necessary construction and how this programming relates to the proposed development.
  - iv. A further detailed analysis and any other information that the review committee considers relevant.
  - v. The traffic impact study may be reviewed by an independent licensed professional engineer contracted by the city to determine whether it adequately addresses the impact and the study supports its conclusions. The cost of review by city's consultant shall be reimbursed to the city by the applicant.
  - vi. When this subsection M.4.b. applies, the traffic study shall include an analysis of how the peak loading will affect the transportation system including, if necessary, an operational plan showing how the peak trips will be controlled and managed.

**RESPONSE: N/A, refer to site plan application.**

5. *Dedication of rights-of-way.* Property shall be conveyed to the public by plat, deed or grant of easement as needed in accordance with the Broward County Trafficways Plan, the city's comprehensive plan, subdivision regulations and accepted applicable traffic engineering standards.

**RESPONSE: N/A, refer to site plan application.**

6. *Pedestrian facilities.* Sidewalks, pedestrian crossing and other pedestrian facilities shall be provided to encourage safe and adequate pedestrian movement on-site and along roadways to adjacent properties. Transit service facilities shall be provided for as required by the city and Broward County Transit. Pedestrian facilities shall be designed and installed in accordance with city engineering standards and accepted applicable engineering standards.

**RESPONSE: N/A, the proposed easement vacation does not impact pedestrian facilities. Refer to site plan application.**

7. *Primary arterial street frontage.* Where a proposed development abuts a primary arterial street either existing or proposed in the trafficways plan, the development review committee (DRC) may require marginal access street, reverse frontage with screen planting contained in a

nonaccess reservation along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to assure separation of through and level traffic.

**RESPONSE: N/A, the easement is located within the Property and is not located on a primary arterial street.**

8. *Other roadway improvements.* Roadways adjustments, traffic control devices, mechanisms, and access restrictions may be required to control traffic flow or divert traffic, as needed to reduce or eliminate development generated traffic.

**RESPONSE: N/A, refer to site plan application.**

9. *Street trees.* In order to provide for adequate landscaping along streets within the city, street trees shall be required along the length of the property abutting a street. A minimum of fifty percent (50%) of the required street trees shall be shade trees, and the remaining street trees may be provided as flowering or palm trees. These percentages may be varied based on existing or proposed physical conditions which may prevent the ability to comply with the street tree requirements of this subsection. The street trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements, except in the downtown RAC districts the requirements of Sec. 47-13.20.H.8 shall apply. The location and number of street trees shall be determined by the department based on the height, bulk, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. The requirements for street trees, as provided herein, may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way.

**RESPONSE: N/A, refer to site plan application.**

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.

**RESPONSE: N/A, refer to site plan application.**

- O. *Trash management requirements.* A trash management plan shall be required in connection with non-residential uses that provide prepackaged food or beverages for off-site consumption. Existing non-residential uses of this type shall adopt a trash management plan within six (6) months of the effective date of this provision.

**RESPONSE: N/A, refer to site plan application.**

P. *Historic and archaeological resources.*

1. If a structure or site has been identified as having archaeological or historical significance by any entity within the State of Florida authorized by law to do same, the applicant shall be responsible for requesting this information from the state, county, local governmental or other entity with jurisdiction over historic or archaeological matters and submitting this information to the city at the time of, and together with, a development permit application. The reviewing entity shall include this information in its comments.

**RESPONSE: N/A, no structures have been identified on the Property as having archaeological or historical significance within the State of Florida authorized by law to do the same. Refer to site plan application.**

- Q. *Hurricane evacuation.* If a structure or site is located east of the Intracoastal Waterway, the applicant shall submit documentation from Broward County or such agency with jurisdiction over hurricane evacuation analysis either indicating that acceptable level of service of hurricane evacuation routes and hurricane emergency shelter capacity shall be maintained without impairment resulting from a proposed development or describing actions or development modifications necessary to be implemented in order to maintain level of service and capacity.

**RESPONSE: N/A, the Property is not located east of the Intracoastal Waterway.**

We are respectfully requesting that the City approve the vacation of the 14-foot wide utility easement based on the information provided above and the accompanied application package. Please contact me at [stephanie@toothaker.org](mailto:stephanie@toothaker.org) or (954) 648-9376 if you require any additional information.

Respectfully submitted,

*/s/ Stephanie J. Toothaker*

Stephanie J. Toothaker, Esq.



Carlos Lozano  
Manager - OSP Planning  
& Engineering Design

ATT Florida  
5395 NE 14<sup>th</sup> Ave  
Ft Lauderdale, FL 33334

T: 561-310-5185  
CL448E@att.com

May 18, 2022

Julia Gaffney  
Flynn Engineering Services, P.A.  
241 Commercial Blvd  
Lauderdale-By-The-Sea, FL 333087

Subject: No Objection Letter for the vacation of utility easement.

ATT does not object to your request for the construction of a multi-use development to include buildings, private storm drain infrastructure, and parking within the utility easement. This easement is a 14 foot vacated alley which abuts Lots 1 thru 7 and lots 18 thru 24, retained as a utility easement originally recorded in the Broward County Plat Book B Page 40, vacated via ordinance number C-89-94 per O.R.B. 17411, Page 610.

It is understood that any relocation of existing AT&T facilities associated with the proposed project and encroachments will be at the owner's expense. Additional future easements in another location may be required to provide service to the proposed project. ATT does not at this time maintain any existing utilities within the easement to be vacated.

Should you have any questions, please contact me at 561-310-5185.

Sincerely,

A handwritten signature in black ink, appearing to read "Carlos Lozano".

Carlos Lozano  
Manager - OSP Planning &  
Engineering Design



**Engineering – Design Department  
6565 Nova Drive. Davie, FL 33317**

Wednesday, May 18, 2022

**Ms. Julia Gaffney  
Flynn Engineering Services, P.A.  
241 Commercial Blvd.  
Lauderdale-By-The-Sea, FL 33308**

Re: Proposed Vacation of 14' Alley Way by ordinance NO. C-89-94 Per O.R.B. 17411, Page 610, BCR and Retained as a utility easement.

Dear Ms. Ms. Julia Gaffney:

Please be advised... in reference to the vacation of the 14-foot vacated alley which abuts lots 1 thru 7 and lots 18 thru 24, retained as a utility easement originally recorded in the Broward County Plat Book B Page 40, vacated via ordinance number C-89-94 per O.R.B. 17411, Page 610.

Comcast has no facility within the limits of this project.

On behalf of COMAST this letter shall serve as a notice of **"No-Objection"** to the vacate the existing easement based on the revised survey dated 11/11/2021. Should it become necessary, Comcast will coordinate with the developer for a separate easement if needed.

Should you need any further information, please do not hesitate to contact me.

Sincerely,

COMCAST.

**Ricardo  
Davidson**

Digitally signed by  
Ricardo Davidson  
Date: 2022.05.18  
12:47:29 -04'00'

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**Ricardo Davidson  
Construction Supervisor**



May 19, 2022

John Kramer  
Flynn Engineering Services, P.A.  
241 Commercial Boulevard  
Lauderdale-By-The-Sea, Florida 33308

Subject: **Utility Easement Vacation  
300 W Broward Boulevard  
Fort Lauderdale, FL**

Dear Mr. Kramer,

This letter is in response to your request for a Letter of No Objection regarding the proposed vacation of the existing 14'-wide utility easement, which abuts Lots 1 thru 7 and lots 18 thru 24, the tax folio for the site (5042 1001 2210) and located at 300 West Broward Boulevard as shown on the survey and site plan provided by Flynn Engineering P.A. Based on review of documents provided and our assessment of City records it appears that there are no City water, sewer and stormwater utilities located within the subject easement. The City of Fort Lauderdale has **No Objection** to the proposed vacation of the 14'-wide utility easement.

The City of Fort Lauderdale has **No Objection** to establishing a new 15'-wide easement along the western property line for the relocated utilities. Based on review of documents provided and our assessment of City records it appears that there are no City water, sewer and stormwater utilities located within the proposed 15'-wide easement.

The vacation is conditioned upon the relocation, removal, or proper abandonment of any facilities found. Any relocation, removal, or abandonment of any existing utilities must be conducted with approved engineering plans, at the developer's expense and the relocated, removed or abandoned utilities would be required to be inspected and accepted by the Department of Sustainable Development.

Should you have any questions or require any additional information, please contact me at (954) 828-5862.

Sincerely,



Igor Vassiliev, P.E.  
Project Manager II



6/1/2022

To: John Kramer  
Flynn Engineering  
241 Commercial Blvd.  
Lauderdale-By-The-Sea, FL 33308

RE: Utility Easement Vacate UDP-EV21010  
300 W Broward Blvd.  
Fort Lauderdale, FL 33312

A portion of a 14 foot alley, lying adjacent to Lots 1, 2, 3, 4, 5, 6, 7, 18, 19, 20, 21, 22, 23, and 24, in Block 17, TOWN OF FORT LAUDERDALE, according to the Plat thereof, as recorded in Plat Book B at Page 40 of the Public Records of Miami-Dade County, Florida, said 14 foot Alley vacated by Ordinance No. C-89-94 as recorded in Official Records Book 17411 at Page 610 of the Public Records of Broward County, Florida and being more

From: TECO Peoples Gas

To: Whom It May Concern,

Thank you for contacting TECO Peoples Gas Company regarding the vacate of easement at the above referenced location. After reviewing the documents provided, TECO-PGS has NO objection to this request. TECO-PGS does not have any active facilities in this specified area. Furthermore, TECO-PGS has no objection to construction of buildings, structures, and other improvements within all or any portion of the easement.

If you have further questions, please do not hesitate to call.

Sincerely,

Joan Domning  
Administrative Specialist, Senior  
Peoples Gas-Distribution Engineering  
8416 Palm River Road  
Tampa, FL 33619  
Office: 813-275-3783



February 8, 2022

Mr. Ashley Bosch  
K-A 300 Broward JV, LLC  
1504 Bay Road Suite 2  
Miami Beach, FL 33139

RE: Letter of Intent to Release FPL Easements located on 300 W Broward Blvd, Fort Lauderdale FL 33312

Dear Mr. Bosch:

This letter is in response to your request for written notification of Florida Power & Light Company's ("FPL") intent to release its easements recorded in Official Record Book 1617 Page 397, Official Record Book 1617 Page 396 and Ordinance No. C-89-94 in the public records of Broward County, which is attached hereto as Exhibit "A", Exhibit "B" and Exhibit "C" respectively ("FPL Easements"). FPL has no objections to releasing the FPL Easements, provided the following are satisfied:

- K-A 300 Broward JV, LLV ("Customer") pays to FPL the full relocation cost to relocate the FPL Facilities located on 300 W Broward Blvd, Fort Lauderdale FL 33312 to a location upon the property adjacent to and along Broward Boulevard and SW 4<sup>th</sup> Ave ("Relocation"), as more fully shown on Exhibit "D" attached hereto, prior to the Relocation work being performed
- Customer describes and records, at no cost to FPL, all replacement easements required to accommodate the Relocation prior to the Relocation work being performed
- All FPL facilities are removed from the FPL Easements referenced in Exhibit "A", Exhibit "B" and Exhibit "C"

After FPL's facilities are completely removed from these easements, FPL will have no objection with the City proceeding with terminating the FPL Easements.

Please note that if any changes are made to the Relocation plan, then this letter of intent is also subject to change.

If you have any further concerns, please contact me at (561) 904-3621.

Thank you,

Kim O'Donnell  
FPL Transmission Lead  
(561) 904-3621

See Exhibit D for easement width correction from 15' to 14'

Please add the following to the letter bullet points

FPL is releasing all interest in this non-exclusive public utility easement provided the above conditions are met.

FPL Acknowledges that any replacement easement located upon the adjacent private property will require a written consent form from that property owner.

FPL Acknowledges that the city is not terminating any private FPL easements.

FPL Acknowledges that the vacation shall be in full force after all franchise owners have provided letters of no objection and stated there are no utilities within the easement vacation area and have provided written concurrence that their utilities within the easement vacation area have been properly relocated, inspected, and accepted.

in the 14 foot vacated alley which abuts Lots 1 thru 7 and lots 18 thru 24, retained as a utility easement originally recorded in the Broward County Plat Book B Page 40, vacated via ordinance number C-89-94 per O.R.B. 17411, Page

