

July 21, 2017

**DRC – UTILITY EASEMENT Vacation Narrative (DRC#E16008)**

**Project: Las Olas Walk-NORTH**

**Address: 106 S. Federal Highway - Ft. Lauderdale**

**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 property subject to the public easement to be vacated.**
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 applicant will comply as applicable. See utility letters of 'NO OBJECTION' attached.**
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.
  - 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: The applicant will comply as applicable.**



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-site.**

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: The applicant is working with the utility providers to remove or to re-route any existing utilities. See attached letters of 'NO OBJECTION' provided by the 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: The applicant has taken this comment under advisement.**

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: The applicant has taken this comment under advisement.**

Respectfully,



Sarah Owen DelNegri  
Flynn Engineering Services, P.A.

July 21, 2017

**DRC – Utility Easement Vacation Narrative (DRC# E16008)**

**Project: Las Olas Walk-UTILITY EASEMENT**

**Project Address: 106 S. Federal Highway - Ft. Lauderdale**

**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.

**Response: The applicant has taken this comment under advisement.**

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 – Utility Easement**

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 (2 1/2) inches of runoff from the impervious surface whichever is greater.

**Response: N/A – Utility Easement**

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 well field 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: There are no environmentally sensitive lands on this site.**



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 – Utility Easement**

F. **Parks and open space.** *New ordinance adopted in June 2006.*

**Response: N/A – Utility Easement**

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 – Utility Easement**

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 – Utility Easement**

**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 – Utility Easement**

- I. **Schools.** For all residential plats, the applicant shall contribute to school facilities in accordance with the Broward County Land Development Code and shall provide documentation to the city that such contribution has been satisfied.

**Response: N/A – Utility Easement**

**J. 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 – Utility Easement**

- K. **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 – Utility Easement**

**L. *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 FDOT 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 ( 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 ( 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 traffic ways 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 traffic ways.
- iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local traffic ways, 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.

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 & accepted applicable traffic engineering standards.

**Response: N/A – Utility Easement**

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 – Utility Easement**

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

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: Acknowledged.**

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 – Utility Easement**

**M. 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 – Utility Easement**

- N. **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: Acknowledged.**

O. **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: There are no structures on site, and the property itself has not been identified as having archaeological or historical significance.**

- A. **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. Project is not located east of the Intracoastal Waterway.**

Respectfully,



Sarah Owen DelNegri  
Flynn Engineering Services, P.A.



May 10, 2017

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Sarah DelNegri  
241 Commercial Blvd  
Lauderdale By The Sea, FL 33308

Re: Las Olas Walk – 106 N. Federal Highway, Ft. Lauderdale, FL 33301

Dear Sarah DelNegri,

**FPL has no objection to abandoning or vacating the above requested easement.**

However, FPL has existing overhead facilities and utility easements at this site. FPL will remove our existing facilities and vacate the existing easement at this location at the customer's expense. Prior to this being done, provisions must be made, new easements secured and facilities constructed to serve any existing FPL customers that may be affected by your request.

FPL will require a complete set of plans prior to construction. These would include the survey of property, site plan, water sewer & drainage, paving, and electrical plans. As the FPL engineering process takes about three to four months, it is imperative that complete plans be provided well in advance of construction.

Please contact me at (954) 717-1431 should you have any questions or concerns.

Yours truly,

A handwritten signature in black ink, appearing to read 'Favyan Torres'.

Favyan Torres  
Engineer II



Easement & Right-of-Way Vacation Letter

9/29/2016

To: Sarah Owens DelNegri  
Flynn Engineering Services  
241 Commercial Blvd  
Lauderdale-By-The-sea, FL 33308

**Subject:** Vacation of utility easement for Las Olas Walk site 16-1290.01

- (X) We have no facilities in the area to be vacated; therefore, we have no objections to this vacation.

David Rivera  
Gas Design Technician

- ( ) We have facilities in the area to be vacated; however, we have no objections to this vacation providing the applicant will pay for the relocation retirement or replacement of these facilities.

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David Rivera  
Gas Design Technician

- ( ) We have facilities in the area to be vacated which cannot be relocated for technical reasons, however, we have no objections to the vacation providing a utility easement is incorporated in the replat, or the applicant will pay for the relocation or replacement of these facilities.

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David Rivera  
Gas Design Technician


- ( ) We have objection to the proposed vacation for the following reasons:  
PGS has facilities in the easement and cannot be relocated.

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David Rivera  
Gas Design Technician



As Built Legend

Aerial is represented by solid Red Lines 

A Pole is either marked with an X or O

Subgrade plant is marked in Green Dashed Lines 

Underground Bore is marked in Solid Green Lines 