



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

* 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

Case Number	
Date of complete submittal	

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

Property Owner's Name	Marco and Shannon Markin
Property Owner's Signature	If a signed agent letter is provided, no signature is required on the application by the owner.
Address, City, State, Zip	2724 Sea Island Drive, Fort Lauderdale, FL 33301
E-mail Address	MMarkin@MASAGlobal.com
Phone Number	
Proof of Ownership	<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

Applicant / Agent's Name	Nectaria M. Chakas, Esq., Lochrie & Chakas, P.A.
Applicant / Agent's Signature	<i>Nectaria Chakas</i>
Address, City, State, Zip	1401 E. Broward Blvd., Suite 303, Fort Lauderdale, FL 33301
E-mail Address	nchakas@lochrielaw.com
Phone Number	(954) 779-1119
Letter of Consent Submitted	yes

Development / Project Name	Markin Residence
Development / Project Address	Existing: 2724 Sea Island Drive New: same
Legal Description	Lots 59, 60 of Sea Island Unit 3, according to the Plat thereof as recorded in Plat Book 27, Page 19 of the public records of Broward County, Florida
Tax ID Folio Numbers (For all parcels in development)	504201240140
Request / Description of Project	Vacation of Easement recorded in Deed Book 797, Page 125
Applicable ULDR Sections	Sec. 47.24-7
Total Estimated Cost of Project	\$ (Including land costs)

Current Land Use Designation	Low
Current Zoning Designation	RS-4.4
Current Use of Property	Single Family

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 21st 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., 2nd 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

Updated: 10/01/2020



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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;

Applicant's Affidavit

I acknowledge that the Required Documentation and Technical Specifications of the application are met:

Print Name Nectaria Chakas

Signature [Signature]

Date 10/4/2021

Staff Intake Review

For Urban Design & Planning Division use only:

Date _____

Received By _____

Tech. Specs Reviewed By _____

Case No. _____

Page 3: Property & Right-of-Way related items for discussion

APPLICATION FORM

Legal name of applicant – (if corporation, names and titles of officers as well as exact name of corporation – if individuals doing business under a fictitious name, correct names of individuals (must be used). Not fictitious name:

NAME: Marco and Shannon Markin PHONE: _____

APPLICANTS ADDRESS: 2724 Sea Island Drive, Fort Lauderdale, FL

IF UNAVAILABLE CONTACT: Nectaria M. Chakas RELATIONSHIP OR TITLE: Applicant's Attorney

ADDRESS: 1401 E. Broward Blvd., Suite 303, Fort Lauderdale, FL 33301

ADDRESS AND LEGAL DESCRIPTION OF PREMISES OR AREA AFFECTED.

SITE ADDRESS: 2724 Sea Island Drive, FTL ZONED: _____

LEGAL DESCRIPTION: Lots 59, 60 of Sea Island Unit 3, according to the Plat thereof

as recorded in Plat Book 27, Page 19 of the public records of Broward County, Florida

DISCUSSION ITEM: Vacation of Easement recorded in Deed Book 797, Page 125

Nectaria Chakas
APPLICANTS SIGNATURE & TITLE

NOTICE TO APPLICANT

1. Payment –\$100.00 application fee payable to the City of Fort Lauderdale.
2. Proof of ownership by Title Co. or written Attorney's opinion within the last 30 days.
3. Project Description – Briefly describe the proposed project, any items to explain the request and related property and/or right-of-way items.
4. Six (6) copies, size 11"x17" of Land Surveyor's sketch of plan delineating the area including legal description, property and/or right-of-way lines. Current certified boundary survey (within last 6 months).
5. Ground photos of the area and other material to depict the project.

Applicant/Address: Marco and Shannon Markin / 2724 Sea Island Drive

Request: Vacation of Easement recorded in Deed Book 797, Page 125 of the Public Records of Broward County

Prepared by: Nectaria M. Chakas, Esq.

October 4, 2021

I. General Description of Request.

Marco and Shannon Markin (“Applicant”) are the owners of a single-family home located at 2724 Sea Island Drive (the “Property”). The Applicant obtained a permit to construct an addition and pool on the Property pursuant to permit number BLD-RADD-20070009. An aerial of the Property is shown below.

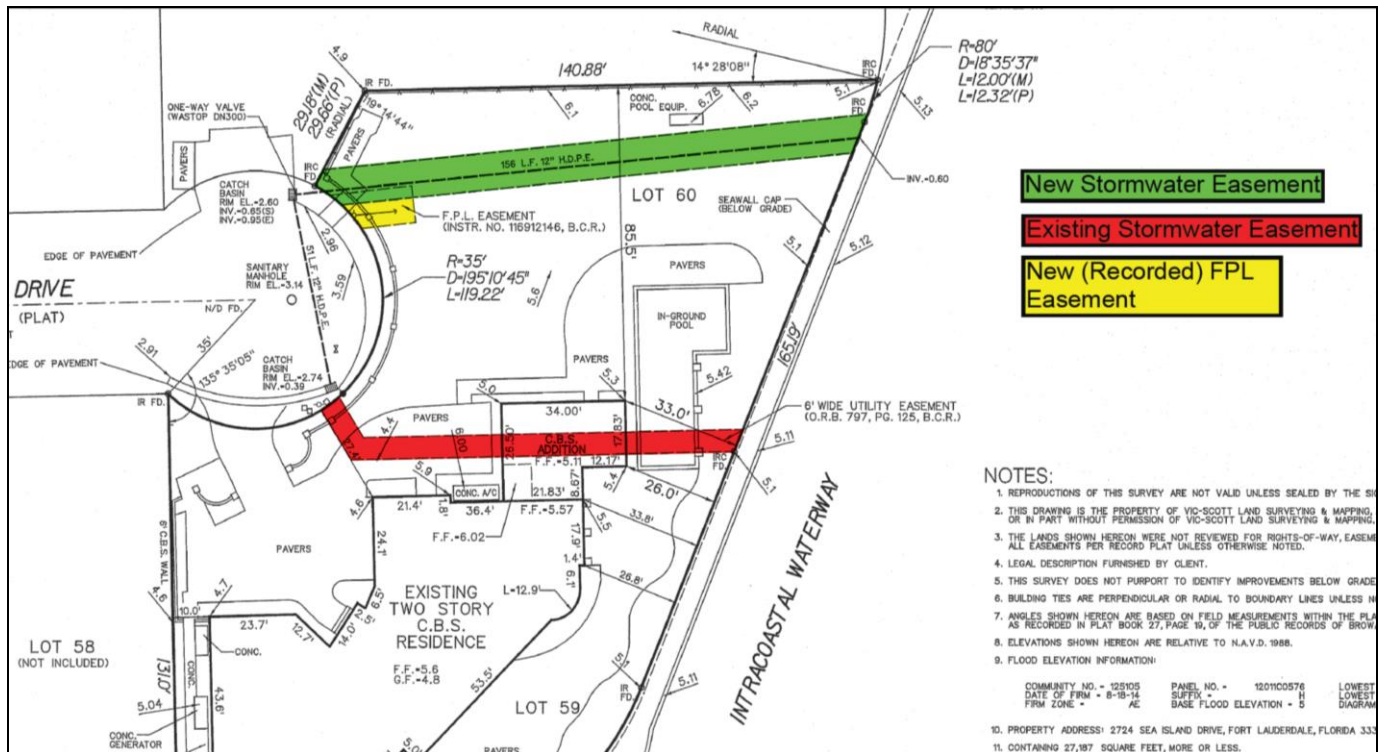


After construction was completed, it was discovered that the home addition and pool were constructed over a stormwater drainage easement. The subject easement is recorded in Deed Book 797, Page 125 (“Easement”), and granted specifically to the City of Fort Lauderdale to “[l]ay operate and maintain such storm sewers as Grantee may deem necessary for the transportation of water....” See Easement page 1 (copy included with this DRC submittal). After the easement was discovered, the Applicant’s contractor worked with City Engineering Department (Igor Vassiliev) to relocate the drainage infrastructure to a different location on the Property pursuant to permit number: ENG-STRM-21050002. It was also agreed that the old easement infrastructure would be abandoned and vacated, and a new non-exclusive drainage easement would need to be granted to the City.

II. ULDR 47-24.7.A.4 – Criteria for vacation of easement.

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

RESPONSE: As noted above, the existing stormwater was abandoned and a new stormwater pipe was installed at a different location on the Property. As noted above, the relocation was completed at the Applicant's expense. A substitute non-exclusive easement is proposed to replace the old easement. The new easement will be wider and the infrastructure within the easement will be upgraded from the former location. The old easement is 6' in width and contains a 10" drainage pipe, whereas, the proposed easement will be approximately 10' in width with a 12" drainage pipe. Below is a graphic depiction of the subject easement as shown on the survey.



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: There are no known utilities located within the Easement area other than the abandoned 10" pipe. Pursuant to correspondence with Dennis Girisgen, it is not necessary to obtain "no objection" letters from other franchise utility holders in order to process this vacation, since the Easement was specifically granted to the City of Fort Lauderdale for stormwater drainage purposes. In addition, the new non-exclusive drainage easement will be provided to the City at the location shown above.