



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 type="checkbox"/> | Easement Vacation | \$ 1,600.00 |
| <input checked="" 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	Federal Highway Holdings LLC
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	777 S. Federal Highway, Fort Lauderdale, FL 33316
E-mail Address	genewhiddon@bhgfirst.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	
Development / Project Address	Existing: 777-789 S. Federal Highway New: same
Legal Description	FISHER SUB LOT 1 BLK 58 FT LAUDERDALE 1-34 D LOT 3 LESS E 30 FOR ST RD.4 E 25 OF S 50.6 TO 8 LESS E 30 FOR ST RD.9,10 & S 5 OF VAC ALLEY LYING N OF & ADJ TO LOTS 9 & 10 TOG WITH HOAGS SUB LOT 2 & 3 BLK 58 FT LAUDERDALE 2-10 B LOT 14 BLK 1
Tax ID Folio Numbers (For all parcels in development)	504210610020
Request / Description of Project	Alley/Right of Way Vacation
Applicable ULDR Sections	Sec. 47.24-6
Total Estimated Cost of Project	\$ _____ (Including land costs)

Current Land Use Designation	D-RAC
Current Zoning Designation	RAC-CC
Current Use of Property	Commercial

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:

- All utilities (list below) located within the easement and/or right-of-way must be relocated pursuant to a relocation plan; and
- The owner of the utility facilities must consent to the vacation; or
- A utilities easement must be retained over the area or portion thereof; or
- An easement in a different location must be provided for the utility facilities by the owner to the satisfaction of the City; or
- Any combination of same and utilities maintenance are not disrupted.
- 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.
- N/A 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>Applicant's Affidavit I acknowledge that the Required Documentation and Technical Specifications of the application are met:</p> <p>Print Name <u>Andrew Scherz</u></p> <p>Signature <u><i>[Signature]</i></u></p> <p>Date <u>4/26/22</u></p>	<p>Staff Intake Review For Urban Design & Planning Division use only:</p> <p>Date _____</p> <p>Received By _____</p> <p>Tech. Specs Reviewed By _____</p> <p>Case No. _____</p>
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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: Nectaria M. Chakas, Esq. PHONE: (954) 779-1119

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

IF UNAVAILABLE CONTACT: _____ RELATIONSHIP OR TITLE *Attorney for Owner/Applicant*

ADDRESS: _____

ADDRESS AND LEGAL DESCRIPTION OF PREMISES OR AREA AFFECTED.

SITE ADDRESS: 777-789 S. Federal Highway, FTL ZONED: RAC-CC

LEGAL DESCRIPTION:
FISHER SUB LOT 1 BLK 58 FT LAUDERDALE T-34 D LOT 3 LESS E 30 FOR ST RD, 4 E 25 OF S 50, 6 TO 8 LESS E 30 FOR ST RD, 9, 10 & S 5 OF VAC ALLEY LYING N OF & ADJ TO LOTS 9 & 10 TOG WITH HOAGS SUB LOT 2 & 3 BLK 58 FT LAUDERDALE 2-10 B LOT 14 BLK 1

DISCUSSION ITEM: Alley Vacation

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.

Updated: 10/01/2020

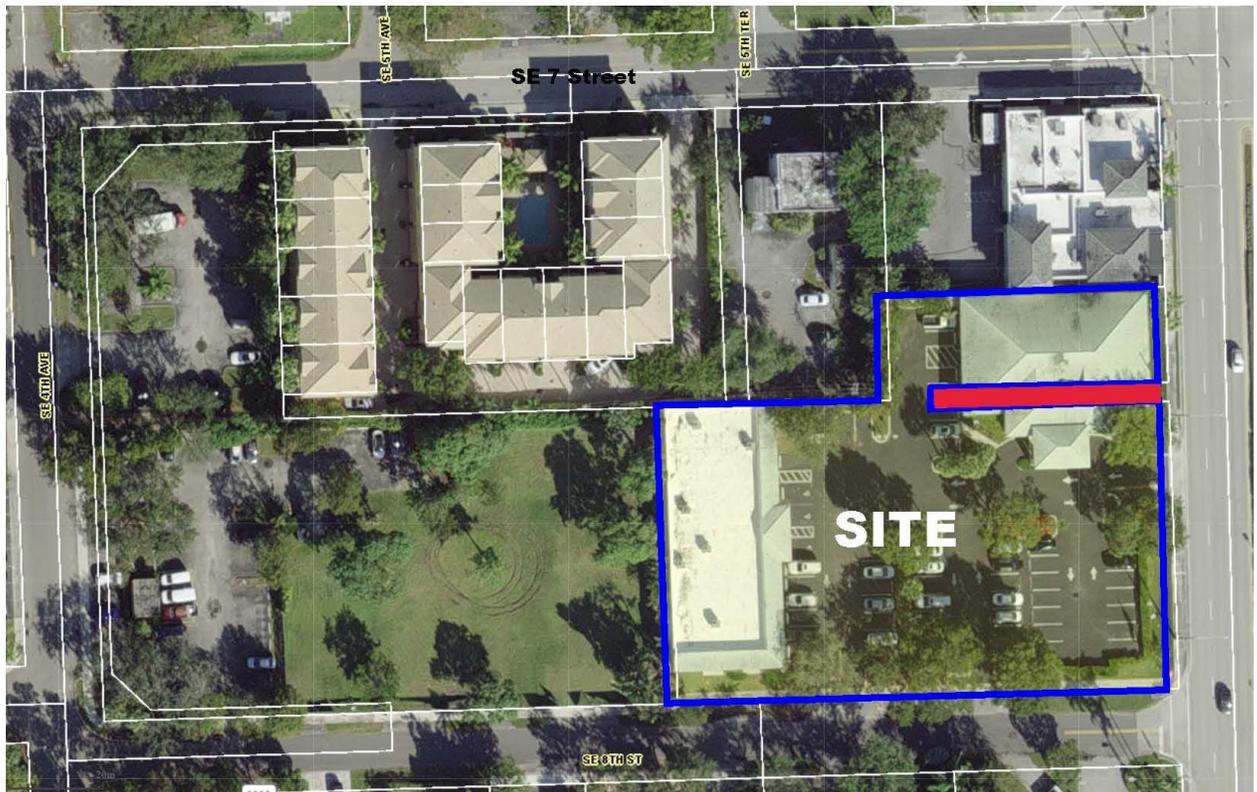


Owners: Federal Highway Holdings LLC
Site Address: 777-789 S. Federal Highway (“Property”)
Zoning District: RAC-CC
Prepared by: Nectaria M. Chakas, Esq.

November 23, 2021

PROJECT NARRATIVE
AND ULDR CRITERIA FOR RIGHT-OF-WAY VACATION

1. **General Background Information.** The Property is located on the northwest corner of S. Federal Highway and SE 8th Street. The alley to be vacated was originally dedicated by plat and is considered an alley only on “paper.” Applicant purchased the Property in 2001. In 1998, the existing building was constructed on top of a 10’ wide alley. The western portion of this alley was already vacated by Ordinance No. 906 recorded under Instrument No. 117686389. It is unknown how or why the building was constructed over an unvacated alley; however, what is known, is this alley is a dead-end remnant alley that serves no legitimate public purpose and should be vacated. Pedestrians and vehicles access the Property via S. Federal Highway and two entrances along SE 8th Street. The aerial below shows the Property outlined in blue and the approximate location of the subject alley outlined in red. The sketch and legal description of the alley is included with this narrative.



2. ULDR CRITERIA

Section 47-24.6. Vacation of rights-of-way.

- a. The right-of-way or other public place is no longer needed for public purposes; and

RESPONSE: The alley was originally dedicated by the “Fisher Subdivision, Lot 1 Block 58, of the Town of Fort Lauderdale, Florida” Plat (Plat Book 1 Page 34). It is not being used as an alley, and in fact, a building was constructed on top of the alley in 1998. It is unknown why or how the building was constructed over the alley, but it is possible that because the rest of the alley to the west was already vacated, there may have been an assumption that this portion was also vacated.

- b. Alternate routes if needed are available which do not cause adverse impacts to surrounding areas; and

RESPONSE: The alley is not currently used for pedestrian or vehicle traffic. The Property can be accessed from S. Federal Highway and SE 8th Street. The surrounding roadway network is not affected by this alley vacation request. Abutting properties to the north, east and west continue to have access from either SE NE 7th Street or SE 8th Street.

- c. The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area; and

RESPONSE: The alley which is the subject of this application is a dead-end remnant alley that is only an alley “on paper” meaning that the alley is incapable of being used because there is a building constructed on it. Even if there was no building, the historic aerials show that this alley was unimproved and not used for vehicular or pedestrian travel. The vacation of this small alley will have no effect on the surrounding roadway network as the adjacent rights-of-ways will continue to provide safe area for vehicles to travel and exit the area.

- d. The closure of a right-of-way shall not adversely impact pedestrian traffic; and

RESPONSE: The alley is not currently used for pedestrian traffic. Pedestrian traffic will continue to use the adjacent roadway network for travel.

- 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.

RESPONSE: Because there is a building already constructed on the alley, there are no utilities within the alley to be vacated. Applicant has received letters of no objection from AT&T, Comcast, City of Fort Lauderdale and TECO stating that they have no objection to the vacation of the alley. Applicant has requested a letter of no objection from FPL and will provide this letter to the City upon receipt.

October 25, 2021

Nectaria M. Chakas, Esq.
LOCHRIE & CHAKAS, P.A.

1401 E. Broward Boulevard, Suite 303
Fort Lauderdale, FL. 33301

No objection letter to vacate 10' wide alley lying between Lot 3 and Lot 6 (less the portion taken for street widening of Federal Highway), Block 1 of "Fisher Subdivision Lot 1, Block 58 of Town of Fort Lauderdale", Plat Book 1, Page 34; Property address: 777-789 S. Federal Highway, Fort Lauderdale, FL 33316

ATT does not object to vacate 10' wide alley lying between Lot 3 and Lot 6 (less the portion taken for street widening of Federal Highway), Block 1 of "Fisher Subdivision Lot 1, Block 58 of Town of Fort Lauderdale", Plat Book 1, Page 34; Property address: 777-789 S. Federal Highway, Fort Lauderdale, FL 33316

It is understood that any relocation of existing AT&T facilities associated with the propose 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.

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

Sincerely,



Carlos Lozano
Manager - OSP Planning &

Engineering Design

November 10, 2021

Nectaria M. Chakas, Esq.
Lochrie & Chakas P.A.
1401 East Broward Boulevard, Suite 303
Fort Lauderdale, Florida 33301

Subject: **Right-Of-Way Vacation**
777-789 S. Federal Highway
Fort Lauderdale, Florida 33316

Dear Ms. Chakas,

This letter is in response to your request for a Letter of No Objection regarding the proposed vacation of a 10-foot wide and 125-foot long portion of the Right-Of-Way located within Block 1 of Fisher Subdivision Lot 1, Block 58 of Town of Fort Lauderdale, Plat Book 1, Page 34. The Right-Of-Way is adjacent to the property address 777-789 S. Federal Highway, Fort Lauderdale, FL 33316, as shown on the survey provided by Pinnell Survey Inc. 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 portion of the Right-Of-Way. The City of Fort Lauderdale has **No Objection** to the proposed vacation of the portion of the Right-Of-Way.

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



**Engineering – Construction Department
6565 Nova Drive Davie, FL 33317**

Wednesday, October 20, 2021

VIA E-MAIL: NChakas@LochrieLaw.com

Nectaria M. Chakas, Esq.
LOCHRIE & CHAKAS, P.A.
1401 E. Broward Boulevard, Suite 303
Fort Lauderdale, FL. 33301

RE: No objection letter to vacate 10' wide alley lying between Lot 3 and Lot 6 (less the portion taken for street widening of Federal Highway), Block 1 of "Fisher Subdivision Lot 1, Block 58 of Town of Fort Lauderdale", Plat Book 1, Page 34; Property address: 777-789 S. Federal Highway, Fort Lauderdale, FL 33316

Dear Ms. Chakas,

We are in receipt of your letter regarding the 10' wide alley vacation at the property noted above. Please consider this as written confirmation that we have no objection to the vacation of the 10' wide alley as noted above.

Should you have any further question, please feel free to call me at 1-754-221-1322 or e-mail me at Ricardo_davidson@cable.comcast.com

Sincerely,

Ricardo Davidson

**Ricardo Davidson
SFL Construction Supervisor
Comcast / Southern Division
10/20/2021 5:20:41 PM**

April 22, 2022

Andrew J. Schein
Lochrie & Chakas
1401 E Broward Blvd, Suite 303
Fort Lauderdale, FL, 33301

Re: 777 – 789 S Federal Hwy, Fort Lauderdale, FL, 33316
10' Alley Vacation – Book 1, Page 34

Dear Andrew,

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

FPL had existing facilities and utility easements at this site that has been removed. FPL removed existing facilities and vacated the existing alleyway at this location at the customer's expense. Prior to this being done, provisions were made, new easements secured and facilities constructed to serve any existing FPL customers that may be affected by your request.

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

Yours truly,



Favyan Torres
Senior Engineer



TECO[®]
PEOPLES GAS
AN EMERA COMPANY

September 30, 2021

VIA E-MAIL: NChakas@LochrieLaw.com

Nectaria M. Chakas, Esq.
LOCHRIE & CHAKAS, P.A.
1401 E. Broward Boulevard, Suite 303
Fort Lauderdale, FL. 33301

RE: No objection letter to vacate 10' wide alley lying between Lot 3 and Lot 6 (less the portion taken for street widening of Federal Highway), Block 1 of "Fisher Subdivision Lot 1, Block 58 of Town of Fort Lauderdale", Plat Book 1, Page 34; Property address: 777-789 S. Federal Highway, Fort Lauderdale, FL 33316

Dear Ms. Chakas,

We are in receipt of your letter regarding the 10' wide alley vacation at the property noted above. Please consider this as written confirmation that we have no objection to the vacation of the 10' wide alley as noted above.

If I can be of further assistance, please contact me at 813-275-3783.

Sincerely

Joan A Domning-Senior Administrative Specialist
TECO-PGS Distribution Engineering
8416 Palm River Rd. Tampa, FL 33619