

EASEMENT VACATION AND ADEQUACY REQUIREMENTS NARRATIVE

EASEMENT VACATION NARRATIVE ULDR § 47-24.7

15007

Introduction. The Applicant, Holman Automotive, Inc., a Florida corporation, owns property located at 1441 South Federal Highway, Fort Lauderdale, FL 33316 ("Property"). In connection with the use of the Property, the Applicant would like to vacate an aerial easement retained across the south 7.5 feet of the Property ("Aerial Easement"). The Aerial Easement has been in place since July 2, 1982 as a condition of approval of an associated alley vacation, and was retained for the benefit of Florida Power and Light (FPL) for a future streetlight power line. FPL has no objection to the vacation. The Applicant's due diligence of the Property does not demonstrate any purpose of the Aerial Easement and the Applicant seeks to vacate same. In August 2012, the City Commission approved the Applicant's application to vacate the northern 15-feet of the Aerial Easement.

Criteria. An application for vacation of an easement shall be reviewed in accordance with the following criteria:

a. The easement is no longer needed for public purposes. The Applicant is proposing to vacate the Aerial Easement to provide for the development of the Property. The Applicant plans to relocate the utilities currently located within the Aerial Easement to serve any public purposes in the area surrounding the Property.

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. As part of the proposed development, all utilities located within the vacation area will be relocated from the existing location. All affected utility franchises have provided letters of no objection to the vacation, including FPL.

ADEQUACY REQUIREMENTS NARRATIVE ULDR § 47-25.2

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

A. Communications network. The vacation of the Aerial Easement will not affect City communications. All existing utilities will be relocated from their current location.

B. Drainage facilities. Stormwater management facilities will not be affected by the vacation of the Aerial Easement. All existing utilities will be relocated from their current location.

C. Environmentally sensitive lands. No known environmentally sensitive lands are located within or adjacent to the Aerial Easement proposed for vacation.

D. Fire protection. The vacation of the Aerial Easement will not impact fire protection service.

- E. Parks and open space.** The vacation of the Aerial Easement does not affect access to a public park or open space. The request does not generate additional impacts on the City's recreation services.
- F. Police protection.** The vacation of the Aerial Easement will not impact police protection service.
- G. Potable water.** The proposed Aerial Easement does not affect water service. Any existing potable water lines will not be affected by the vacation of the Aerial Easement. All existing utilities will be relocated from the current location.
- H. Sanitary sewer.** The proposed Aerial Easement vacation does not affect sanitary sewer service. Any existing sewer lines will not be affected by the vacation of the Aerial Easement. All existing utilities will be relocated from their current location.
- I. Schools.** The vacation of the Aerial Easement does not affect access to a school.
- J. Solid waste.** The vacation of the Aerial Easement will not impact garbage collection service or generate additional solid waste.
- K. Stormwater.** Stormwater management facilities will not be affected by the vacation of the Aerial Easement.
- L. Transportation facilities.** Neither traffic circulation, nor the roadway network in general, will be impacted by the requested Aerial Easement vacation. The Aerial Easement does not serve as a thoroughfare and is not utilized by the general public.
- M. Wastewater.** Any existing sewer lines will not be affected by the vacation of the Aerial Easement. All existing utilities will be relocated from their current location.
- N. Trash management requirements.** The vacation of the Aerial Easement will not impact garbage collection service or generate additional solid waste.
- O. Historic and archaeological resources.** No known historic or archaeological resources are located within or adjacent to the subject Aerial Easement.
- P. Hurricane evacuation.** This request to vacate the Aerial Easement will not affect hurricane evacuation.



November 13, 2015

Marla Neufeld, Esq
Reproductive Technology Lawyer
200 East Broward Blvd, Suite 500
Fort Lauderdale, FL 33301

Re: Croissant Park- Aerial Easement Vacation at Lot 21, Block 51L

Dear Ms. Neufeld,

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 2078 should you have any questions or concerns.

Yours truly,

A handwritten signature in black ink, appearing to read 'Cynthia Hernandez', is written over a horizontal line.

Cynthia Hernandez
Associate Engineer

Cherie Foletta

From: Marla Neufeld
Sent: Tuesday, November 03, 2015 10:31 AM
To: Cherie Foletta
Subject: FW: Petitioner Intent to Vacate a portion of aerial easement
Attachments: 24284494_1.doc; SnipImage.jpg; SnipImage.jpg; SnipImage.jpg

Please print for me

GreenspoonMarder_{LAW}

Marla Neufeld, Esq.
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Marla.Neufeld@gmlaw.com



From: Keith Hutchison [<mailto:KHutchison@fortlauderdale.gov>]
Sent: Tuesday, November 03, 2015 7:26 AM
To: Marla Neufeld
Cc: Thomas Lodge; Rick Johnson
Subject: RE: Petitioner Intent to Vacate a portion of aerial easement

Marla,
Our field verification concluded there is no conflict with city infrastructure.

From: Marla Neufeld [<mailto:marla.neufeld@gmlaw.com>]
Sent: Wednesday, October 28, 2015 9:33 AM
To: Keith Hutchison
Cc: Thomas Lodge
Subject: RE: Petitioner Intent to Vacate a portion of aerial easement

Keith, just checking in on your final inspection for this vacation application so we can get final sign off from your department. Thanks.

GreenspoonMarder_{LAW}

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From: Keith Hutchison [<mailto:KHutchison@fortlauderdale.gov>]
Sent: Wednesday, October 07, 2015 4:05 PM
To: Marla Neufeld
Cc: Ella Parker; Rick Johnson; Alex Scheffer; Denise Greenstein; Thomas Lodge
Subject: RE: Petitioner Intent to Vacate a portion of aerial easement

Marla,
I have attached atlases which indicates Water, Sewer and Storm. From these maps there is no conflict. When I get the opportunity I will do a field inspection to verify.

From: Marla Neufeld [<mailto:marla.neufeld@gmlaw.com>]
Sent: Wednesday, October 07, 2015 1:30 PM
To: Keith Hutchison
Cc: Ella Parker; Rick Johnson; Alex Scheffer; Denise Greenstein; Thomas Lodge
Subject: RE: Petitioner Intent to Vacate a portion of aerial easement


We are working with Tom Lodge on our application however we were told that Public works needs to sign off on the vacation which would ultimately be a DRC comment but we wanted to try and get public works approval now so we have it ready to go for DRC.

Thanks.

GreenspoonMarder_{LAW}

Marla Neufeld, Esq.
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Marla.Neufeld@gmlaw.com

Re: Petitioner Intent to Vacate a portion of aerial easement created by O.R. Book 10277, Page 786 of the Public Records of Broward County, Florida ("Vacation Areas")

1. _____. We have no objection to the vacation.
2.  _____. We have no objection to the vacation if the following is satisfied:
Comcast will require an easement by separate instrument for the relocation and or conversion of Comcast existing aerial facilities.
3. _____. We have an objection as follows: _____

Completed by: _____

Signature: _____
Print Name: **Leonard** _____
Title: _____
Address: **Maxwell-** _____
Dated: **Newbold** _____

Digitally signed by Leonard
Maxwell-Newbold
DN: cn=Leonard Maxwell-Newbold,
o=Comcast ABB Management
Group, ou=Comcast South Florida
RDC, email=leonard_maxwell-
newbold@cable.comcast.com, c=US
Date: 2015.11.13 15:36:40 -05'00'

Re: Petitioner Intent to Vacate (i) a portion of aerial easement created by O.R. Book 10277, Page 786 of the Public Records of Broward County, Florida (ii) 5' utility easement and right of way created by Deed Book 111, Page 123 of the Public Records of Broward County, Florida, (iii) 4' right of ingress/egress created by Deed Book 111, Page 123 of the Public Records of Broward County, Florida, (iv) 5' utility easement and right of way created by Deed Book 176, Page 357 of the Public Records of Broward County, Florida, and (v) 4' right of ingress/egress created by Deed Book 176, Page 357 of the Public Records of Broward County, Florida (collectively "Vacation Areas")

1. _____. We have no objection to the vacation. The undersigned has no utility lines or other equipment located within the rear five feet of Lots 1 through 24, Block 51-L, Croissant Park, recorded in Plat Book 4, Page 28, Public Records of Broward County, Florida.

2. AT&T. We have no objection to the vacation if the following is satisfied:
Removal or relocation of existing facilities will be at the cost of the owner/developer.

3. _____. We have an objection as follows: _____

Completed by: AT&T Florida

Signature: 

Print Name: John Hughes

Title: Manager OSP Planning & Engineering Design

Address: 8601 W Sunrise Blvd

Plantation, FL 33322

Dated: 10/2/2015

Fort Lauderdale, Florida 33301
Direct Phone: 954.527.6266
Direct Fax: 954.333.4266
Email: cynthia.pasch@gmlaw.com

Re: Petitioner Intent to Vacate a portion of aerial easement created by O.R. Book 10277, Page 786 of the Public Records of Broward County, Florida

1. _____ . We have no objection to the vacation.
2. _____. We have no objection to the vacation if the following is satisfied:
_____.
3. _____. We have an objection as follows: _____

Completed by: TECO Peoples Gas
Signature: [Signature]
Print Name: David Rivera
Title: Senior Eng Tech
Address: 5101 NW 21st Ave Ste 460
FL Landendale FL 33309
Dated: 9/25/15