

Page 1: City Commission Submittal Requirements

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	E17004
Date of complete submittal	11/8/17

NOTE: To be filled out by Applicant

Property Owner's Name	Florida East Coast Railway, LLC. Signature is required on the application by the owner.	
Applicant / Agent's Name	Florida East Coast Railway, LLC, by Benjamin Hedrick of Akerman LLP as Agent	
Development / Project Name	Vacation of 8' Platted Utility Easement	
Development / Project Address	Existing: 3125 S. Andrews Avenue	New: Same
Current Land Use Designation	Commercial	
Proposed Land Use Designation	Same	
Current Zoning Designation	B-3	
Proposed Zoning Designation	Same	
Specific Request	Request to vacate 8' wide platted utility easement as per enclosures.	

The following number of Plans:

- ☐ One (1) original signed-off set, signed and sealed at 24" x 36"
- ☐ Two (2) copy sets at 11" x 17"
- ☐ One (1) electronic version* of complete application and plans in PDF format to include only the following:
 - ☐ Cover page
 - ☐ Survey
 - ☐ Site plan with data table
 - ☐ Ground floor plan
 - ☐ Parking garage plan
 - ☐ Typical floor plan for multi-level structure
 - ☐ Roof plan
 - ☐ Building elevations
 - ☐ Landscape plan
 - ☐ Project renderings i.e. context plan, street-level perspectives, oblique perspectives, shadow study, etc.
 - ☐ Important details i.e. wall, fence, lighting, etc.

*All electronic files provided should include the name followed by case number "Cover Page Case no.pdf"

MAIL NOTIFICATION

Mail notice is required for City Commission hearing of a Rezoning of Less than Ten Acres and of an Appeal of ROW Vacation. Notice shall be in the form provided by the Department and mailed on the date the application is accepted by the Department. The names and addresses of homeowner associations shall be those on file with the City Clerk. Rezoning of Less Than Ten Acres hearing notice must be mailed within 30 days of the hearing and Appeal of ROW Vacation hearing notice within 10 days of hearing.

- **REQUIREMENT:** Mail notice of development proposal shall be provided to real property owners within 300 feet of applicant's property, as listed in the most recent ad valorem tax records of Broward County.
- **TAX MAP:** Applicant shall provide a tax map of all property within the required notification radius, with each property clearly shown and delineated. Each property within the notice area must be numbered (by Folio ID) on the map to cross-reference with property owners notice list.
- **PROPERTY OWNERS NOTICE LIST:** Applicant shall provide a property owners notice list with the names, property control numbers (Folio ID) and complete addresses for all property owners within the required notification radius. The list shall also include all homeowners associations, condominium associations, municipalities and counties noticed, as indicated on the tax roll.
- **ENVELOPES:** The applicant shall provide business size (#10) envelopes with first class postage attached (stamps only, metered mail will not be accepted). Envelopes must be addressed to all property owners within the required notification radius, and mailing addresses must be typed or labeled; no handwritten addresses will be accepted. Indicate the following as the return address on all envelopes: City of Fort Lauderdale, Urban Design & Planning, 700 NW 19th Avenue, Fort Lauderdale, FL 33311.
- **DISTRIBUTION:** The City of Fort Lauderdale, Urban Design & Planning Division will mail all notices prior to the public hearing meeting date, as outlined in Section 47-27.



Benjamin Hedrick

Akerman LLP
Three Brickell City Centre
98 Southeast Seventh Street
Suite 1100
Miami, FL 33131

T: 305 374 5600
F: 305 374 5095

October 31, 2017

VIA HAND DELIVERY

City of Fort Lauderdale
Department of Sustainable Development
Urban Design & Planning Division
700 NW 19th Avenue
Fort Lauderdale, FL 33311

***Re: 3125 South Andrews Avenue, Folio No. 504222300010 (the "Property")
Response to Initial DRC Comments for Vacation/Release of Platted Utility Easement
Florida East Coast Railway as owner & G.Proulx Building Products as tenant***

To Whom It May Concern:

On behalf of Florida East Coast Railway, LLC, owner of the Property, and G.Proulx Building Products, LLC, tenant at the Property ("G.Proulx"), we are respectfully requesting the vacation and release of the platted 8' utility easement ("Utility Easement") shown on Parcel "X" of the enclosed "Pacific Lumber No. 1" plat of the Property. As you may know, this request to vacate/release the Utility Easement is in connection with the proposed addition of a 90,000 sq. ft. warehouse facility at the Property located over the Utility Easement area, for which G.Proulx has filed an application for "Level II" DRC site plan review.

Enclosed with this letter are certain additional materials in response to the initial DRC comments for the vacation/release of the Utility Easement received on October 24, 2017, in order to be scheduled for hearing at the City Commission meeting of December 5, 2017. The enclosed materials include: (i) the City Commission review application and fee; (ii) letters of no objection to the release/vacation of the Utility Easement from City of Fort Lauderdale Public Works Department and all required private utility companies; (iii) official sketch and legal description of the Utility Easement area prepared by McLaughlin Engineering; (iv) a survey of the Property also prepared by McLaughlin Engineering; and (v) a notarized letter of authorization from Florida East Coast Railway authorizing Akerman LLP to represent the owner and tenant before the City Commission.

Additionally, please note our responses to the specific easement vacation criteria set forth at ULDR Section 47-24.7.A.4:

- **ULDR Section 47-24.7.A.4.a: The easement is no longer needed for public purposes.**

Response: As included in the enclosed letters of no objection from the City of Fort Lauderdale and private utility companies, the Utility Easement area does not contain any utility facilities, public or private, and there is no objection by the city or private utility companies to the vacation/release of the Utility Easement. Furthermore, as indicated in the site plan materials submitted by G.Proulx for its 90,000 square foot warehouse, the Utility Easement is not needed for the development or operation of such structure. Therefore, the Utility Easement is no longer needed for public purposes.

- **ULDR Section 47-24.7.A.4.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: As noted above, the Utility Easement area contains no utility facilities or infrastructure, and as such there is nothing to be relocated.

Please do not hesitate to contact me at benjamin.hedrick@akerman.com or (305) 982-5664 if you have any questions or need additional information regarding this request for the vacation/release of the Utility Easement. Thank you very much for your time and assistance.

Sincerely,



Benjamin Hedrick

Enclosures

Cc: Joe Vinet, G.Proulx
Mike Dannelly, Florida East Coast Railway

Florida East Coast Railway, L.L.C.

October 25, 2017

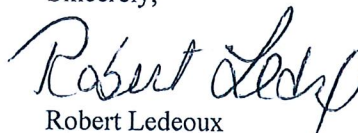
City of Fort Lauderdale
Department of Sustainable Development
Urban Design & Planning Division
700 NW 19th Avenue
Fort Lauderdale, FL 33311

Re: Authorization for Akerman LLP/Benjamin Hedrick to Represent FECR in Utility Easement Vacation Application for 3125 S. Andrews Avenue/SW 32nd Street (Folio Nos. 504222300010 and 504222070440)

To Whom It May Concern:

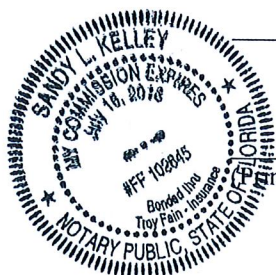
I, the undersigned Senior Vice President & General Counsel of Florida East Coast Railway, L.L.C. ("FECR"), owner of the property (the "Property") located at 3125 S. Andrews Avenue and SW 32nd Street (consisting of folio nos. 504222300010 and 504222070440), do hereby confirm and certify that the law firm Akerman LLP, including Akerman attorney Benjamin O. Hedrick, is authorized to represent FECR and its tenant at the Property (G.Proulx Building Products, LLC) in the filing of a utility easement vacation application for the Property including without limitation, filing all application materials and participating in and/or appearing at any and all necessary meetings, committees, boards and city commission hearings on the matter.

Sincerely,

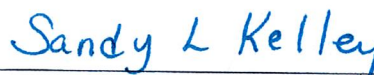

Robert Ledoux
General Counsel

STATE OF FLORIDA
COUNTY OF DUVAL

This instrument was acknowledged before me this 27th day of October, 2017, by Robert Ledoux, as SVP of Florida East Coast Railway, L.L.C., a Florida limited liability company, who ☒ is personally known to me OR ☐ has produced _____ as identification.




NOTARY PUBLIC, STATE OF FLORIDA



(Print, Type or Stamp Commissioned Name of Notary Public)



October 27, 2017

Mr. Benjamin Hedrick
Associate
Akerman LLP
98 Southeast Seventh Street, Suite 1100
Miami, FL. 33131

Subject: **Proposed FECR Andrews Avenue Utility Easement Release/Vacation**

Dear Mr. Hedrick,

This letter is in response to your request for a letter regarding the proposed vacation of the 8' utility easement within a portion of Parcel "X", Pacific Lumber No. 1, according to the plat thereof, as recorded in Plat Book 70, Page 26, of the public records of Broward County, Florida.

We have determined that there are no City of Fort Lauderdale utilities within the subject portion of this easement and we support the request to vacate the above-referenced easement.

The City of Fort Lauderdale has no objection to the proposed vacation of the said utility easement.

Should you have any questions, please contact me at (954) 828-7809.

Sincerely,

Rick Johnson
Utilities Distribution and Collection Systems Manager
949 NW 38th Street, Fort Lauderdale, Florida, 33309
Ph: 954-828-7809 | email: rjohnson@fortlauderdale.gov

PUBLIC WORKS DEPARTMENT

949 N.W. 38TH STREET, FORT LAUDERDALE, FLORIDA 33309

TELEPHONE (954) 828-8000, FAX (954) 828-7897X

WWW.FORTLAUDERDALE.GOV



Florida Power & Light Company, 3020 NW 19th ST, Fort Lauderdale, FL 33311
Phone: 954-717-2057, Fax:

August 11, 2017

Akerman LLP
98 Southeast Seventh Street, Suite 1100
Miami, FL, 33131

Dear Benjamin Hedrick,

This letter is in response to your request for the release of a platted utility and drainage easement.

In meeting with your request, FPL has no objection to releasing our rights in the platted utility and drainage easement known as "Pacific Lumber No. 1" in Plat Book 70, Page 26 of the Public records of Broward County.

The release is restricted to the following description: The West 8.00 feet of the East 138.00 feet of Parcel "X", PACIFIC LUMBER NO. 1, according to the plat thereof, as recorded in Plat Book 70, Page 26, of the public records of Broward county, Florida.

Said Lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 4,990 square feet or 0.1146 acres more or less.

Should you have any questions or concerns, please do not hesitate to contact Troy Lewis at 9547172057.

Sincerely,

A handwritten signature in black ink, appearing to read 'MS', is written over the name 'Melanie Syed'.

Melanie Syed
Engineering Lead

A NEXTEra ENERGY Company



EASEMENT AGREEMENT

Date: August 10, 2017

Akerman LLP
Benjamin Hedrick
98 SE 7th ST
Suite #1100
Miami, FL 33131

Teco Peoples Gas recognizes the owner's request to vacate the Utility easement on the owner's property located at 3125 S Andrews Avenue, Pacific Lumber NO 1 70-26 B Parcel X Together with POR of VAC Streets abutting said PAR on N & S Sides in the city of Ft. Lauderdale.

If Teco Peoples Gas should have any underground facilities, then the contractor will notify the Sunshine State One Call of Florida at 1 (800) 432-4770, so that the facilities can be accurately located.

() We have facilities in the easement, therefore locations must be obtained, as noted, with all restrictions in the paragraphs above. If this requirement is met, we agree to the proposed construction.

(X) We have no facilities within the referenced area of the property and therefore no objection to the vacation of the Easement.

A handwritten signature in black ink, appearing to read "D. Mickell", written over a horizontal line.

Prepared By: De'Lessa Mickell
Jesus Vega
Territory Manager
Florida Gas Operations



Engineering – Design Department
2601 SW 145th Ave Miramar, FL 33027

Monday, October 23, 2017

Mike Dannelly
Corridor Business Developer
FEC Real Estate Services
7411 Fullerton Street, Suite 301
Jacksonville, FL 32256

Comcast No Objection / 8' Utility Easement Vacation
FECR Andrews Ave Railyard
3125 S. Andrews Ave
Ft. Lauderdale, FL 33316
[Comcast muid_9061_B](#)

Dear Mr. Dannelly

Please be advised ...in reference to the proposed 8' Utility Easement Vacation located at **3125 S. Andrews Ave Ft. Lauderdale, FL** Comcast has ***no objection nor conflicts*** to this subject easement vacation request as... Comcast does ***not*** currently have any utility facilities in the easement area to be vacated/released.

Should you have any further question, please feel free to call me at 1-954-447-8405 e-fax 1-954-534-7008 or e-mail at Leonard_Maxwell-Newbold@cable.comcast.com

Sincerely,

Leonard Maxwell-
Newbold

Digitally signed by Leonard
Maxwell-Newbold
Date: 2017.10.23 12:05:52 -04'00'

Leonard Maxwell-Newbold
Regional Permit Manager
Comcast / Southern Division ([RDC](#))
10/2/2015 4:26:10 PM

Cc: FEC Draw
File



John Hughes
Manager - OSP Planning
& Engineering Design

ATT Florida
8601 W Sunrise Blvd
Plantation, FL 33322

T: 954-423-6326
jh0247@att.com

August 11, 2017

RE: Utility Easement – 3125 S Andrews Avenue, FT Lauderdale, FL

To whom it may concern,

Please be advised, AT&T has no objection to vacating the existing 8' easement recorder in Broward County Records official records book 70 page 26 and as shown in attached sketch (See page #2 & #3). AT&T currently has no utility facilities located within or around the 8' easement area. However AT&T does have facilities within the 10' easement along the north side of SW 32nd Ave within the south line of parcel x. This area is in the northwest corner of the intersection South Andrews Ave & Southwest 32nd ST. in the city of Ft Lauderdale.

Please note that any relocation of existing AT&T facilities that may be required will be at the cost of the owner/developer. The plan for such rearrangements will also need to be coordinated with and approved by AT&T.

Thank you for choosing AT&T Florida.

Respectfully,

A handwritten signature in black ink, appearing to read "John Hughes", written over a horizontal line.

John Hughes
Manager - OSP Planning & Engineering Design
ATT Florida
954-423-6326