

## 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	617006
Date of complete submittal	11/14/17

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

Property Owner's Name	Holman Automotive, Inc.
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	12 E. Sunrise Blvd. Ft. Lauderdale, FL 33304
E-mail Address	c/o marla.neufeld@gmlaw.com
Phone Number	c/o 954-761-2929
Proof of Ownership	<input checked="" type="checkbox"/> Warranty Deed or <input type="checkbox"/> Tax Record

NOTE: If AGENT is to represent OWNER, notarized letter of consent is required

Applicant / Agent's Name	Greenspoon Marder, PA
Applicant / Agent's Signature	
Address, City, State, Zip	200 E. Broward Blvd, Suite 1800 Ft. laud., FL 33301
E-mail Address	marla.neufeld@gmlaw.com
Phone Number	954-761-2929
Letter of Consent Submitted	Yes

Development / Project Name	Holman Bentley Aston Martin @ BMW Sunrise Plat
Development / Project Address	Existing: 900 E SUNRISE BOULEVARD New:
Legal Description	BMW SUNRISE PLAT 181-42 B PARCEL A LESS PORTION KNOWN AS LEASED AREA
Tax ID Folio Numbers (For all parcels in development)	504202570010
Request / Description of Project	See enclosed narrative (pedestrian access easement)
Applicable ULDR Sections	47-24.7
Total Estimated Cost of Project	\$ NA (Including land costs)

Current Land Use Designation	Commercial
Current Zoning Designation	B-1
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 21<sup>st</sup> 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., 2<sup>nd</sup> 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

## 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

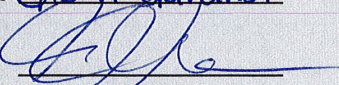
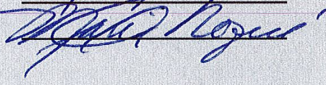
**NOTE:** For initial submittal one signed and sealed set is required. Copied sets will be requested after completion review. If the development site is separated by a public right-of-way including alley or alley reservations, a separate application must be completed for each parcel.

### 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		Staff Intake Review	
I acknowledge that the Required Documentation and Technical Specifications of the application are met:		For Urban Design & Planning Division use only:	
Print Name	Glenn Gardner	Date	11/14/17
Signature		Received By	
Date	10/6/17	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: Holman Automotive Inc. PHONE: 954.761.2929

APPLICANTS ADDRESS: 10200 E. Broward Blvd, Suite 1800 Ft. Lauderdale, FL 33301

IF UNAVAILABLE CONTACT: \_\_\_\_\_ RELATIONSHIP OR TITLE owner

ADDRESS: 200 E. Broward Blvd, Suite 1800 Ft. Lauderdale, FL 33301

ADDRESS AND LEGAL DESCRIPTION OF PREMISES OR AREA AFFECTED.

SITE ADDRESS: 900 E. Sunrise Blvd. ZONED: B-1

LEGAL DESCRIPTION: BMW Sunrise Plat (181-42) B,  
Less Leased Area

DISCUSSION ITEM: Vacation Easement

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.



Vacation of 20' Access Easement Narrative

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**"Pedestrian Access Easement" – Vacation of 20' Access Easement**

The Applicant requests a vacation of a 20' Pedestrian Access Easement leading from Sunrise Boulevard (SR 838) to the south line of Parcel A of the BMW Sunrise Plat as recorded in the Public Records of Broward County in Plat Book 181, Page 42 as recorded in Official Record Book 49189 at Page 1304'

October 5, 2017

**CITY OF FORT LAUDERDALE**

**Department of Sustainable Development**

**Urban Design & Planning Division**

Re: Agent Authorization for Property located at folio number **504202570010 (BMW Sunrise Plat)**

To whom it may concern:

Holman Automotive, Inc. ("Owner") does hereby authorize Greenspoon Marder, P.A. to represent Owner in the City of Fort Lauderdale with regard to the Vacation of Easements and all related matters related to the Property.

Sincerely,

Holman Automotive, Inc.

By: 

Name: Glenn Gardner

Its: Executive VP, Retail Services

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③

ORDINANCE NO. C-12-36

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF NORTHEAST 7<sup>TH</sup> AVENUE BETWEEN BLOCK 218 AND BLOCK 219, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED EAST OF NORTH FEDERAL HIGHWAY (US1;SR5), SOUTH OF EAST SUNRISE BOULEVARD, WEST OF NORTHEAST 10<sup>TH</sup> AVENUE AND NORTH OF NORTHEAST 9<sup>TH</sup> STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, Holman Automotive, Inc., applied for the vacation of certain right-of-way as described in Section 1 herein; and

WHEREAS, the Planning and Zoning Board, at its meeting of August 15, 2012 (PZ Case No. 8-P-11), did recommend to the City Commission of the City of Fort Lauderdale ("City Commission") the vacation of the below-described portion of a street subject to conditions; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, September 18, 2012 and Tuesday, October 2, 2012 at 6:00 o'clock P.M. in the City Commission Room, City Hall, Fort Lauderdale, Florida for the purpose of hearing any public comment to the vacation; and

WHEREAS, such public hearing was duly held at the time and place designated and due notice of same was given by publication as is required by law; and

WHEREAS, the City Commission has determined that the application for vacation of right-of-way meets the criteria of Section 47-24.6.A.4 of the Unified Land Development Regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the below-described portion of a street is hereby vacated, abandoned, and closed and shall no longer constitute a public right-of-way, subject to the conditions provided in Exhibit B.

See Exhibit A attached hereto and made a part hereof

④

C-12-36

City of Fort Lauderdale  
100 N. Andrews Ave.  
Fort Lauderdale, FL 33301

ORDINANCE NO. C-12-36

PAGE 2

Location: East of North Federal Highway, south of East Sunrise Boulevard,  
west of N.E. 10<sup>th</sup> Avenue and north of N.E. 9<sup>th</sup> Street.

SECTION 2. That a copy of this Ordinance shall be recorded in the Public Records of Broward County by the City Clerk within 30 days from the date of final passage.

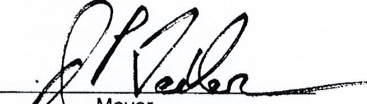
SECTION 3. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

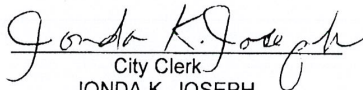
SECTION 5. That this Ordinance shall be in full force and effect on the date a certificate executed by the City Engineer is recorded in the Public Records of Broward County evidencing that all conditions for the vacation have been met.

PASSED FIRST READING this the 18th day of September, 2012.

PASSED SECOND READING this the 2nd day of October, 2012.

  
Mayor  
JOHN P. "JACK" SEILER

ATTEST:

  
City Clerk  
JONDA K. JOSEPH

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C-12-36







Exhibit B

1. Prior to recordation and the proposed vacation taking effect, the applicant shall convey to the City a 20-foot cross access easement for the benefit of the public for pedestrians, bicyclists, and other non-motorized modes of transportation along the eastern edge of applicant's property adjacent to NE 10<sup>th</sup> Avenue, as depicted on the attached Sketch and Description, and record the appropriate documents to memorialize the same. Should the existing site layout be reconfigured, property redeveloped in the future, or a proposal is submitted to alter the currently approved site plan, a more appropriate placement of said easement may be determined and agreed upon by the then property owner and City to continue to provide access through the property from Sunrise Boulevard south, depending on site layout and design of a proposed redevelopment plan.
2. Any utilities required to be removed, replaced or relocated, shall be done so at the applicant's expense, and as approved by the City Engineer. All improvements constructed within the easement shall conform to City engineering standards;
3. The vacating ordinance shall be in full force and effect on the date a certificate, executed by the City Engineer, is recorded in the public records of Broward County, Florida. This certificate shall state that all conditions of the vacation have been met. A copy of the recorded certificate must be provided to the City.

Exhibit B  
Page 1 of 2

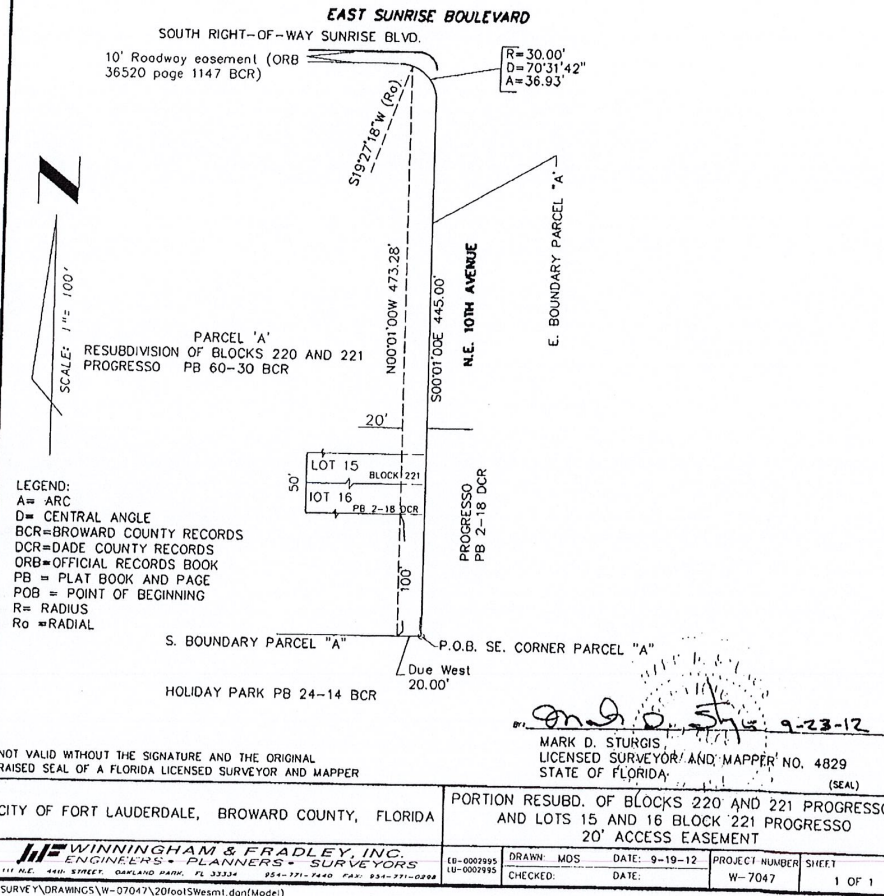
Exhibit B  
Page 2 of 2

## SKETCH AND DESCRIPTION

THIS IS NOT A SKETCH OF SURVEY. IT IS ONLY THE GRAPHIC REPRESENTATION OF THE DESCRIPTION DEPICTED HEREON.

A PORTION OF PARCEL A ACCORDING TO THE PLAT OF RESUBDIVISION OF BLOCKS 220 AND 221 PROGRESSO AS RECORDED IN PLAT BOOK 60 AT PAGE 30 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA TOGETHER WITH A PORTION OF LOTS 15 AND 16 IN BLOCK 221 ACCORDING TO THE PLAT OF PROGRESSO AS RECORDED IN PLAT BOOK 2 AT PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL "A"; THENCE RUN DUE WEST ALONG THE SOUTH BOUNDARY OF SAID PARCEL "A" 20.00 FEET; THENCE RUN NORTH 00°01'00"W 473.28 FEET TO AN INTERSECTION WITH A CURVE TO THE RIGHT A RADIAL AT SAID INTERSECTION BEARING SOUTH 19°27'18"W; THENCE ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 70°31'42" RUN 36.93' TO A POINT OF TANGENCY AND THE EASTERLY BOUNDARY OF SAID PARCEL "A"; THENCE RUN SOUTH 00°01'00"E ALONG SAID EAST BOUNDARY 445.00 FEET TO THE POINT OF BEGINNING. ALSO KNOWN AS THE EAST 20.00 FEET OF PARCEL "A" OF THE UNRECORDED PLAT OF BMW SUNRISE. SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.



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## Vacation of 20' Access Easement Narrative

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### **“Pedestrian Access Easement” – Vacation of 20' Access Easement**

The Applicant requests a vacation of a 20' Pedestrian Access Easement leading from Sunrise Boulevard (SR 838) to the south line of Parcel A of the BMW Sunrise Plat as recorded in the Public Records of Broward County in Plat Book 181, Page 42 as recorded in Official Record Book 49189 at Page 1304B.

Pursuant to Section 47-24.7(A)(4) of the City's Code of Ordinances (“Code”), the Applicant satisfies the following criteria in connection with this requested vacation:

#### **(a) The easement is no longer needed for public purposes.**

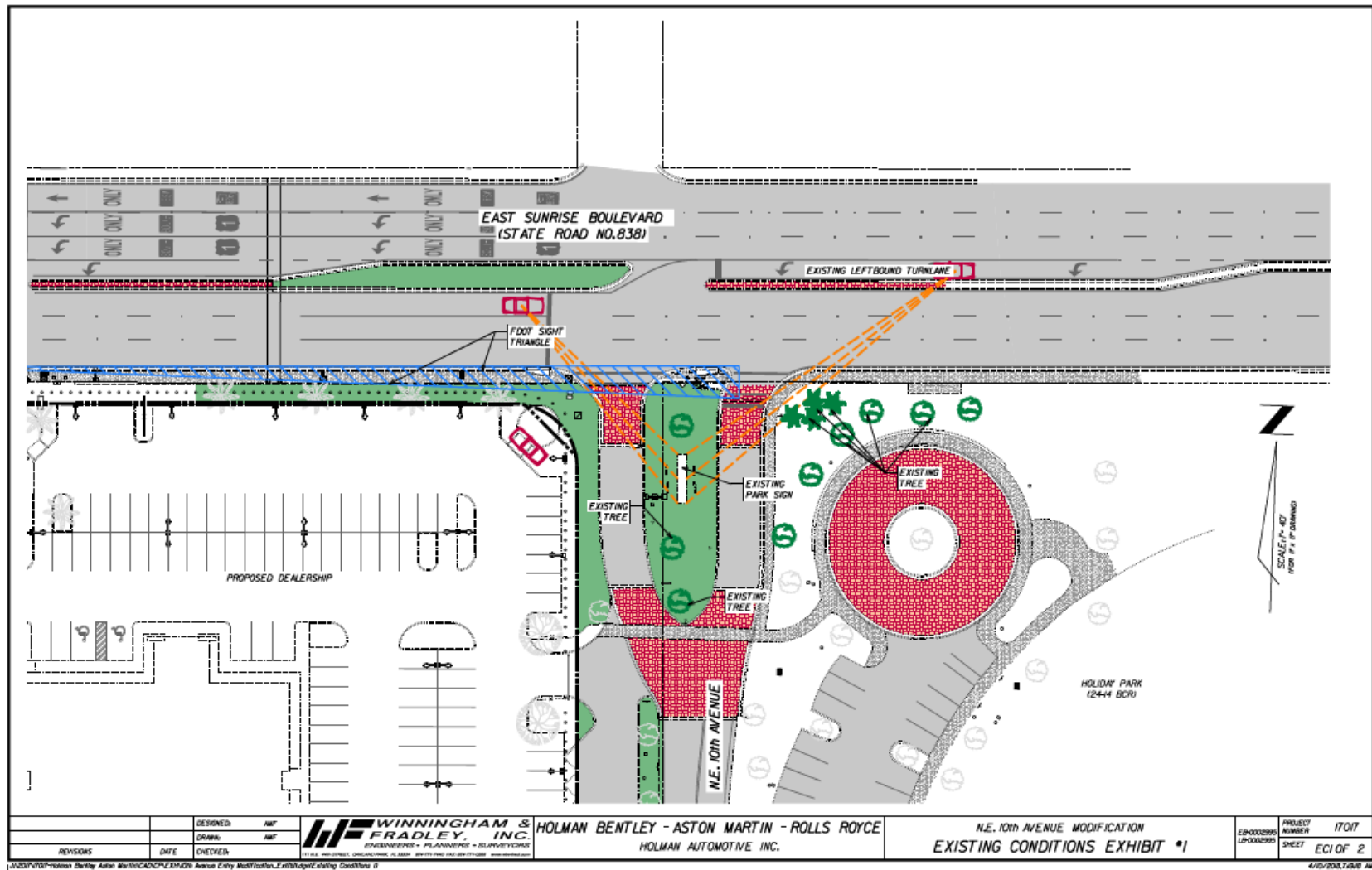
The pedestrian access easement is no longer needed for a public purpose as the pedestrian access for the property has being relocated and improved on the City's adjacent park property to the east of the current pedestrian access easement. The Applicant will be performing certain off-site improvements to improve the new parking and pedestrian access on the City's park site and therefore, the existing pedestrian access easement is no longer needed for the public.

- (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.**

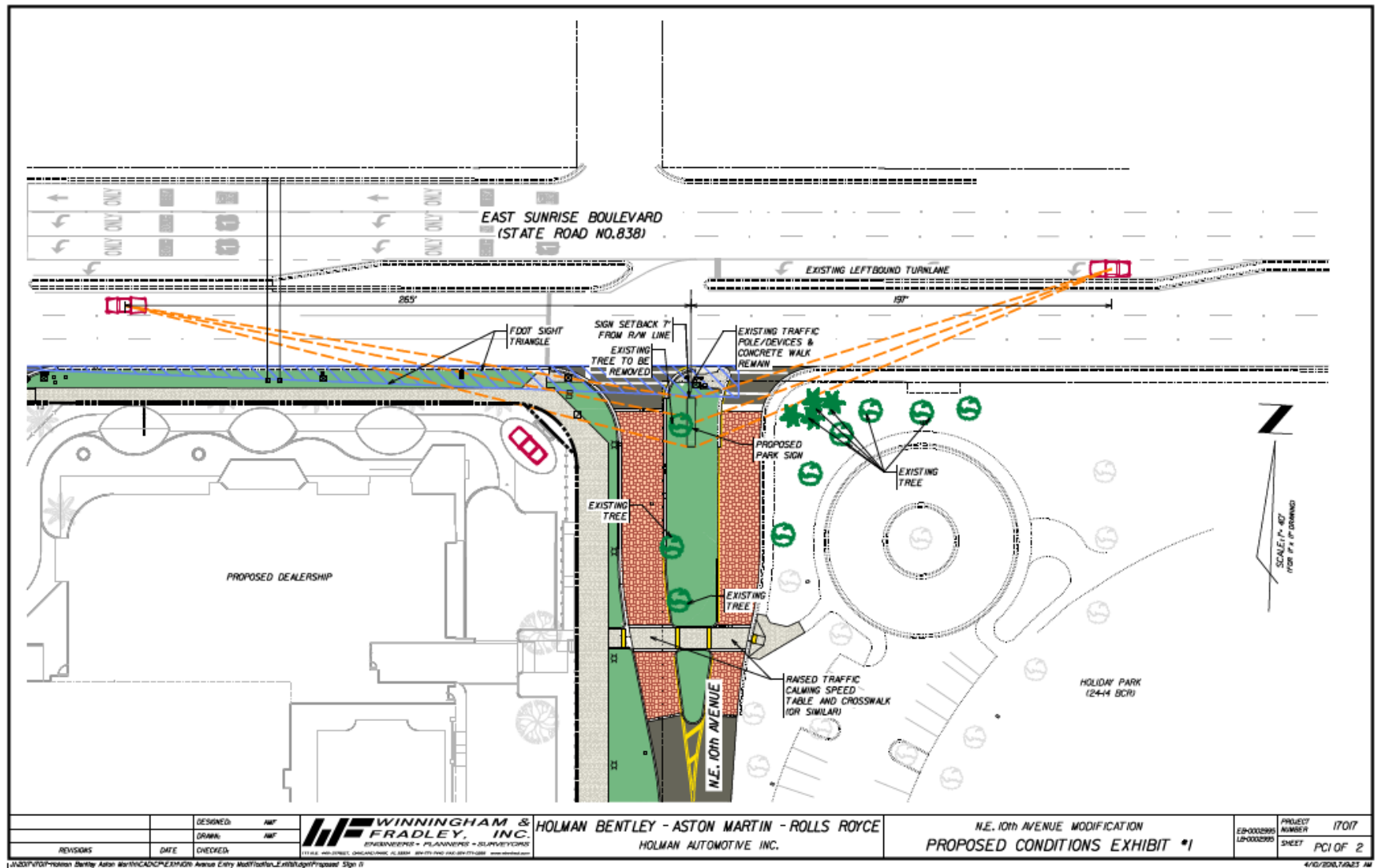
Being that this is a pedestrian access easement, utilities are not located within the easement. The City as the owner has agreed to the vacation of this pedestrian access easement in consideration for certain offsite improvements being performed in accordance with **Exhibit A**, attached hereto.

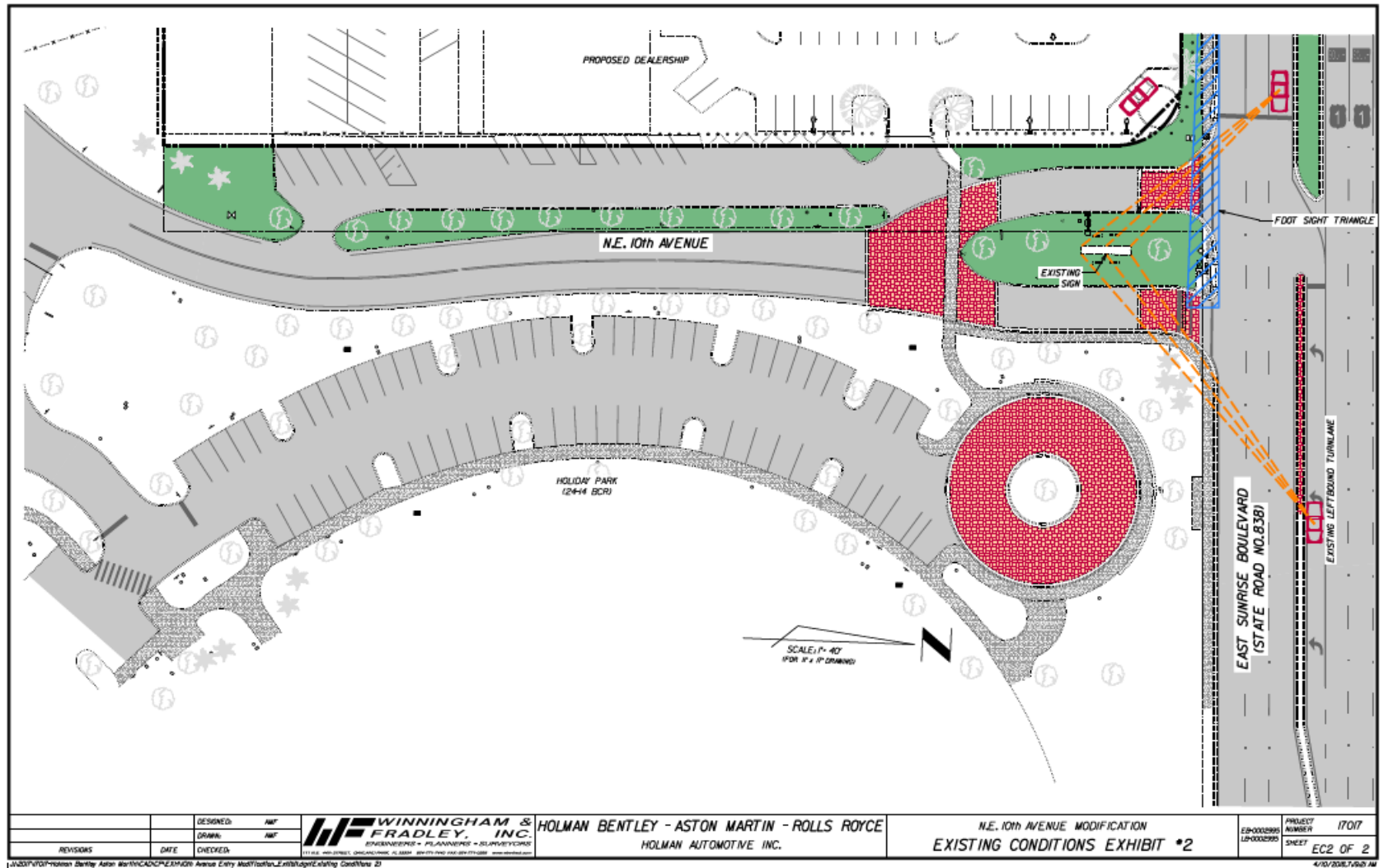


# EXHIBIT A

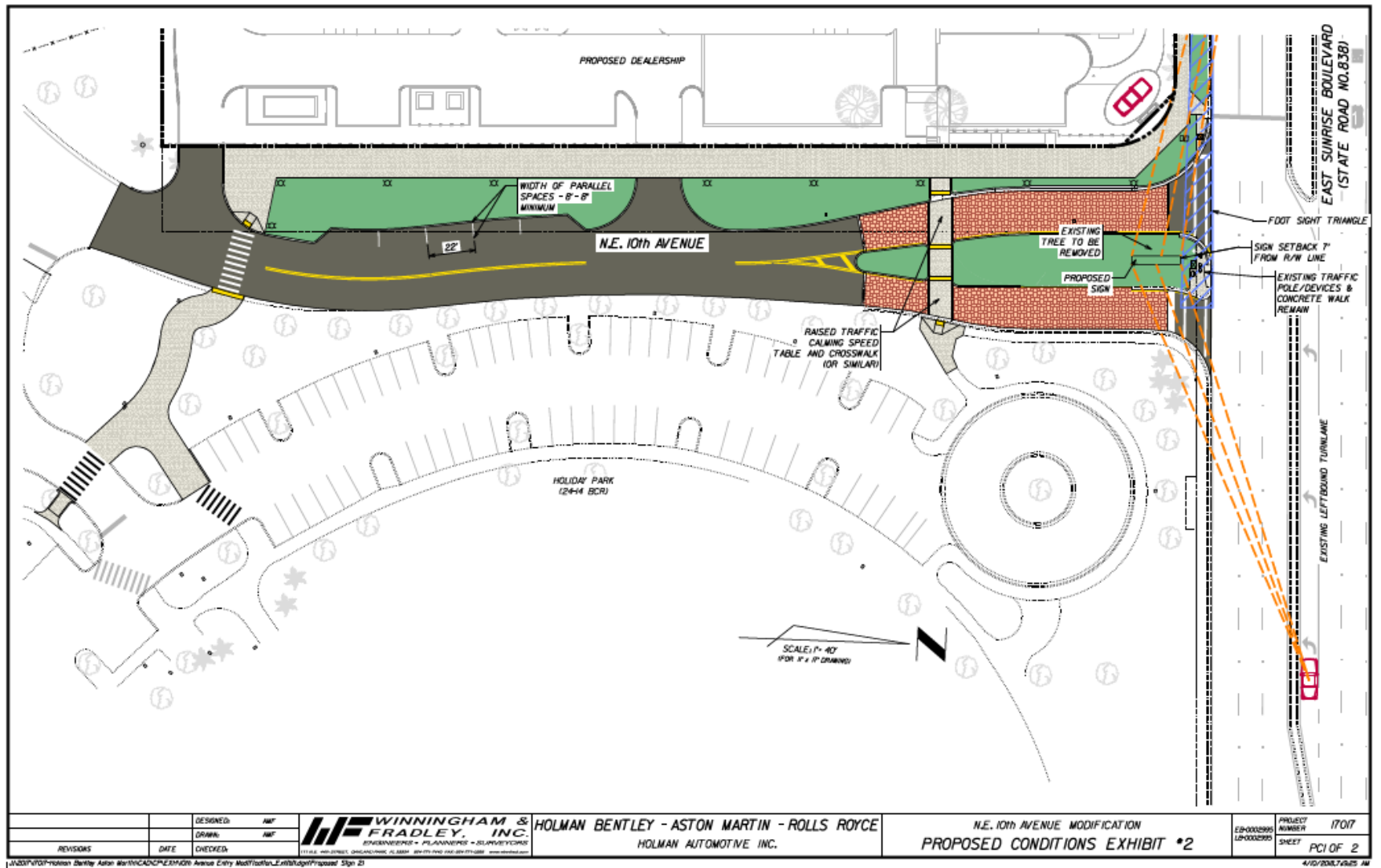


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