

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.

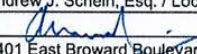
NOTE: To be filled out by Department

Case Number	
Date of complete submittal	

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

Property Owner's Name	See all owners at the bottom of this application*
Property Owner's Signature	If a signed agent letter is provided, no signature is required on this application by the owner.
Address, City, State, Zip	501/531 NE 8th Street, 815/825 NE 5th Terrace, and 812 NE 5th Avenue
E-mail Address	
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	Andrew J. Schein, Esq. / Lochrie & Chakas, P.A.
Applicant / Agent's Signature	
Address, City, State, Zip	1401 East Broward Boulevard, Suite 303, Fort Lauderdale, FL 33301
E-mail Address	ASchein@Lochrielaw.com
Phone Number	954-617-8919
Letter of Consent Submitted	Yes

Development / Project Name	Modera 555
Development / Project Address	Existing: See addresses above New: 555 NE 8th Street
Legal Description	Properties: Lots 9-34 in Block 352 of Progresso, PB 2, Page 18 of the public records of Miami-Dade County (see attached sketch and legal description of alley)
Tax ID Folio Numbers (For all parcels in development)	494234061830, 494234061701, 494234061710, 494234061770, 494234061820 494234061700
Request / Description of Project	Vacation of a Platted Alley Reservation
Applicable ULDR Sections	47-24.6
Total Estimated Cost of Project	\$ (Including land costs)
Current Land Use Designation	DRAC
Current Zoning Designation	RAC-UV
Current Use of Property	Propane sales, residential, non-profit, vacant

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

*Owners: 812 NE 5th Avenue LLC, Helping Abused Neglected and Disadvantaged Youth LLC, RWL 8 LLC, and Boyes Gas Serv Inc.

Owners: 812 NE 5th Avenue LLC, Helping Abused Neglected Disadvantaged Youth LLC, RWL 8 LLC, and Boyes Gas Serv Inc
Site Address: 555 NE 8th Street (“Property”)
Project Name: Modera 555
Zoning District: RAC-UV
Character Area: Near Downtown
Prepared by: Andrew Schein, Esq.

July 27, 2018

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

1. **General Background Information.** Applicant is proposing to construct a multifamily residential development consisting of 350 multifamily units. The Property is located on the northwest corner of NE 5th Terrace and NE 8th Street. The alley reservation to be vacated was originally dedicated by plat and is considered a “paper alley”; the alley is not in any way improved and is not used for pedestrian or vehicular travel purposes. Pedestrians and vehicles will be able to access the other properties abutting the alley via NE 5th Terrace, NE 5th Avenue, and NE 8th Street. The aerial below shows the Property outlined in blue and the approximate location of the alley reservation outlined in red. The sketch and legal description of the alley is included with this narrative.



2. **Utilities.** Applicant has received letters from AT&T, Comcast, FPL, and TECO stating that they have no objection to the vacation of the alley. Applicant has requested a letter of no objection from Public Works and will provide this letter to the City upon receipt.

Applicant will relocate all utilities located within the portion of the alley reservation to be vacated at their sole expense.

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 reservation is not currently used for public purposes. It has not been improved and is not being used as an alley; rather, it was “reserved” for an alley by plat. The alley is not necessary as it is not being used for such purpose. The portion of the alley to be vacated is a “paper alley”; it is not used for pedestrian or vehicular access to the abutting properties. The alley is currently used as the rear and side yards for the abutting properties and includes extensive landscaping and trees. Applicant is proposing to vacate only the portion of the alley within Applicant’s property, and the other properties abutting the alley can be accessed from NE 5th Avenue, NE 5th Terrace, and NE 8th Street.

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

RESPONSE: The alley reservation is not currently used for pedestrian or vehicle traffic. The surrounding areas and other abutting properties can be accessed from NE 5th Avenue, NE 5th Terrace, and NE 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 reservation cannot currently be used for vehicular traffic due to extensive landscaping, utility poles, and development in the reservation. Vehicles will be able to utilize NE 5th Avenue, NE 5th Terrace, and NE 8th Street to access the abutting properties.

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

RESPONSE: The alley reservation is not currently used for pedestrian traffic. Applicant will be improving the sidewalk conditions along NE 5th Avenue, NE 5th Terrace, and NE 8th Street, and pedestrians will be able to utilize those sidewalks to access the abutting properties.

- 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: Applicant has received letters of no objection from ATT, Comcast, TECO, and FPL stating that they have no objection to the proposed alley vacation. Applicant has requested a letter of no objection from Public Works and will provide this letter to the City upon receipt. Applicant will relocate all utilities that may be located within the portion of the alley reservation to be vacated at their sole expense.



6/15/2018

To: Lisa Reilly
Mill Creek Residential
777 Yamato Road
Suite 401
Boca Raton, FL 33431

RE: Vacation of Alleyway
Modera Flagler Village
501 NE 8th St. Fort Lauderdale, FL
Plat Book 2, Page 18 Miami-Dade County Public Records

From: TECO Peoples Gas

Dear Ms. Reilly,

Thank you for contacting TECO Peoples Gas Company about the vacation of alleyway at the above referenced location. After reviewing the documents you supplied, TECO-Peoples Gas has NO objection to this vacation. Please reference the TECO-PGS GIS map attached showing the alleyway vacate referenced.

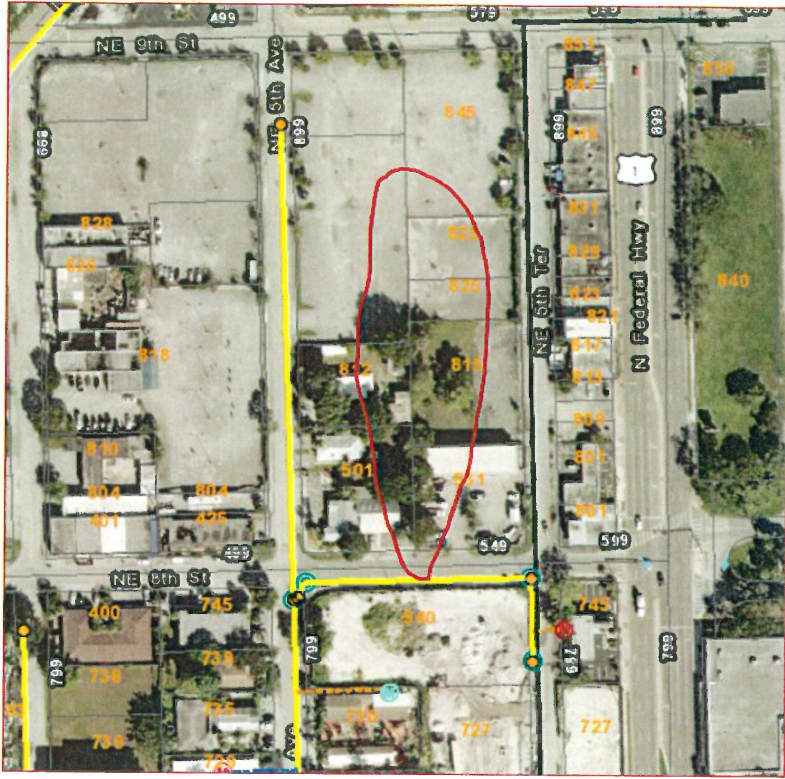
If I can be of further assistance, please do not hesitate to call me at 813-275-3783

Sincerely,

A handwritten signature in purple ink, appearing to read "Joan Domning". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joan Domning
Administrative Specialist
Peoples Gas
Distribution Engineering
8416 Palm River Road
Tampa, FL 33619
Office: 813-275-3783
Ext. 53783

Enclosure





Dyke Tittle
Manager - OSP Planning
& Engineering Design

ATT Florida
8601 W Sunrise Blvd
Plantation, FL 33322

T: 954-577-5602
dt5431@att.com

June 22nd, 2018

Attn: Lisa Reilly
Millcreek Residential
777 Yamato Road
Suite 401
Boca Raton, FL 33431

RE: No Objection Letter for 15' foot alley vacation, City of Fort Lauderdale, Modera
Flagler Village

Dear Lisa:

ATT does not object to your request for a vacation of the 15' alley running north
approximately 250' feet from NE 8th ST and further described in the sketch attached on
page 2. Applicants property is at 501 NE 8th ST and legally described as PROGRESSO 2-
18 D LOT 25 TO 30 BLK 253.

It is understood that any relocation of existing ATT facilities associated with the
proposed 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.

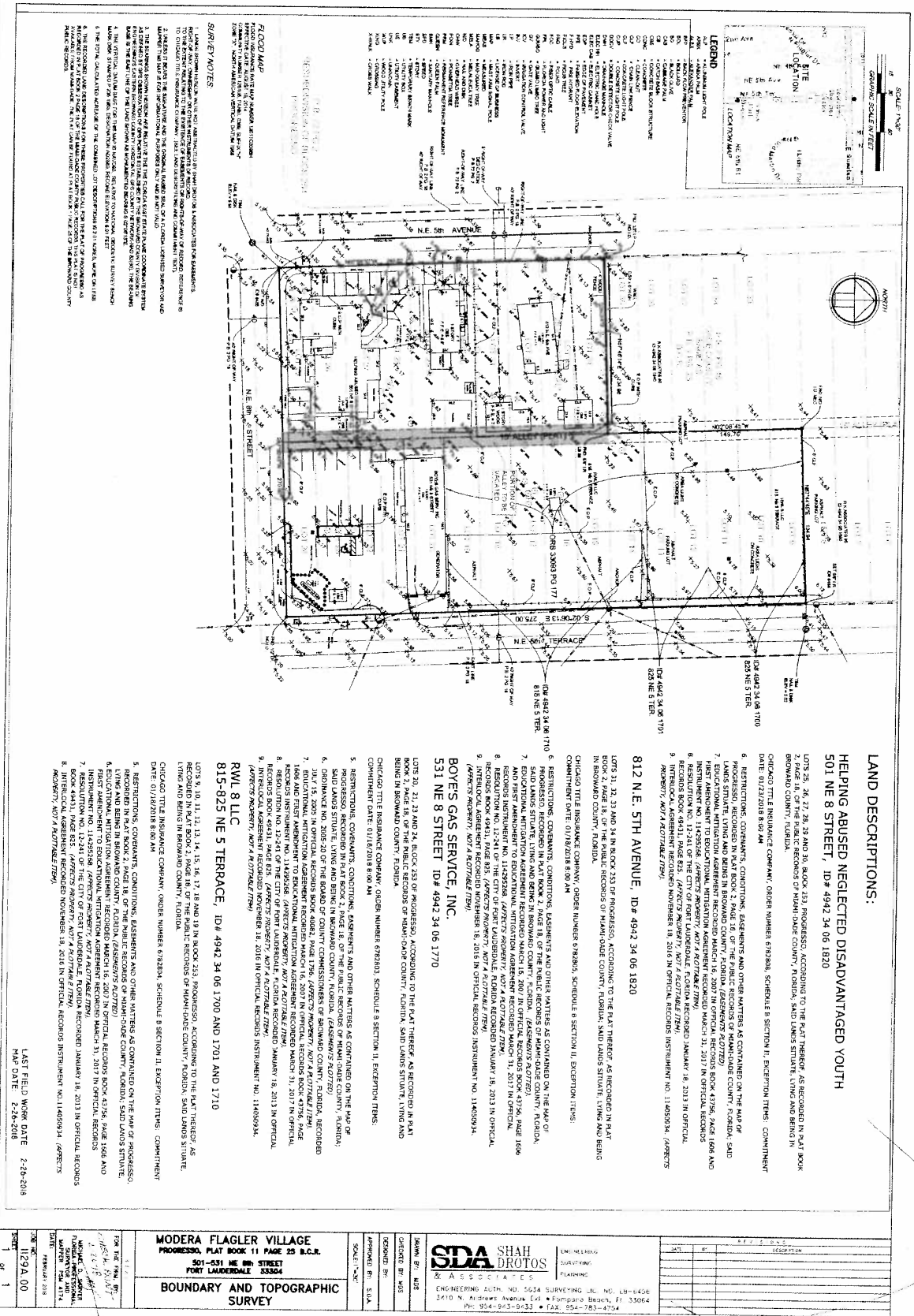
Should you have any questions, please contact me at 954-577-5602.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dyke Tittle", written over the printed name.

Dyke Tittle
Manager - OSP Planning &
Engineering Design

PAGE 1 OF 2



LAND DESCRIPTIONS:

501 NE 8 STREET, ID# 4942 34 06 1820

LOTS 25, 26, 27, 28, 29 AND 30, BLOCK 233, PROGRESSO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4402, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LOTS BEING IN BROWARD COUNTY, FLORIDA.

CHICAGO TITLE INSURANCE COMPANY, ORDER NUMBER 679280, SCHEDULE 8 SECTION II, EXCEPTION ITEMS: COMMENT DATE 01/18/2018 8:00 AM

6. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE MAP OF PROGRESSO, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LOTS BEING IN BROWARD COUNTY, FLORIDA, AND BEING IN BROWARD COUNTY, FLORIDA.

812 N.E. 5TH AVENUE, ID# 4942 34 06 1820

LOTS 31, 32, 33 AND 34 IN BLOCK 233 OF PROGRESSO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LOTS BEING IN BROWARD COUNTY, FLORIDA.

CHICAGO TITLE INSURANCE COMPANY, ORDER NUMBER 679280, SCHEDULE 8 SECTION II, EXCEPTION ITEMS: COMMENT DATE 01/18/2018 8:00 AM

6. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE MAP OF PROGRESSO, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LOTS BEING IN BROWARD COUNTY, FLORIDA, AND BEING IN BROWARD COUNTY, FLORIDA.

531 NE 8 STREET ID# 4942 34 06 1770

LOTS 20, 21, 22 AND 24, BLOCK 233 OF PROGRESSO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LOTS BEING IN BROWARD COUNTY, FLORIDA.

CHICAGO TITLE INSURANCE COMPANY, ORDER NUMBER 679280, SCHEDULE 8 SECTION II, EXCEPTION ITEMS: COMMENT DATE 01/18/2018 8:00 AM

6. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE MAP OF PROGRESSO, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LOTS BEING IN BROWARD COUNTY, FLORIDA, AND BEING IN BROWARD COUNTY, FLORIDA.

RWL 8 LLC

815-825 NE 5 TERRACE, ID# 4942 34 06 1700 AND 1701 AND 1710

LOTS 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 AND 19 IN BLOCK 233, PROGRESSO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LOTS BEING IN BROWARD COUNTY, FLORIDA.

CHICAGO TITLE INSURANCE COMPANY, ORDER NUMBER 679280, SCHEDULE 8 SECTION II, EXCEPTION ITEMS: COMMENT DATE 01/18/2018 8:00 AM

5. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE MAP OF PROGRESSO, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LOTS BEING IN BROWARD COUNTY, FLORIDA, AND BEING IN BROWARD COUNTY, FLORIDA.

7. RESOLUTION NO. 12-241 OF THE CITY OF MIAMI, RECORDED JANUARY 18, 2013 IN OFFICIAL RECORDS BOOK 4401, PAGE 183, (AFFECTS PROPERTY, NOT A LOTTABLE ITEM).

8. INTERLOCAL AGREEMENT RECORDED NOVEMBER 19, 2016 IN OFFICIAL RECORDS INSTRUMENT NO. 11460394, (AFFECTS PROPERTY, NOT A LOTTABLE ITEM).

LAST FIELD WORK DATE 2-26-2018
MAP DATE 2-26-2018

MODERA FLAGLER VILLAGE PROGRESSO, PLAT BOOK 11 PAGE 25 B.C.R. 501-531 NE 8TH STREET PORT LAUDERDALE 33064		SDA SHAH DROTOS & ASSOCIATES ENGINEERING AUTH. NO. 5634 SURVEYING, INC. NO. LB-6406 2410 N. Andrews Avenue, E4 • Pompano Beach, FL 33064 PH: 954-943-9432 • FAX: 954-783-4754	
DRAWN BY: MJS CHECKED BY: MJS DESIGNED BY: MJS LAYED OUT BY: SDA	SCALE: AS SHOWN DATE: 2/26/2018	DATE: 2/26/2018 TIME: 11:29A 00	SHEET 1 OF 1



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

Wednesday, June 27, 2018

Lisa Reilly
Construction Manager
Mill Creek Residential
777 YAMATO ROAD / Suite #401
BOCA RATON, FL 33431

Comcast No Objection / Alley Vacation
Project Name: [Flagler Village](#)
Project Location / Address: [555 NE 8th Street Ft. Lauderdale](#)
Ft. Lauderdale Fl / Broward County
Comcast muid_9572_B

Dear Ms. Reilly

Please be advised ...in reference to the proposed Alley Vacation located at [555 NE 8th Street Ft. Lauderdale, FL](#) Comcast has *no objection nor conflicts* to this subject alley vacation request.

Should you have any further question, please feel free to call me at 1-954-447-8405 fax 1-954-447-8445 or e-mail at leonard_maxwell-newbold@cable.comcast.com

Leonard Maxwell-Newbold
South Florida Regional Permit Manager / Central Division
6/27/2018 3:31:55 PM

cc: Don Batura / Comcast Broward County Area Construction Coordinator (north)
Ft. Lauderdale Draw
File



Florida Power & Light Company

June 20, 2018

Attn: Kristin DiPerro
Thomas Engineering Group
1000 Corporate Dr. Suite 250
Ft. Lauderdale, FL 33334

**RE: Modera Flagler Village
Alley Vacation
501 NE 8th ST.
Ft. Lauderdale, FL**

Dear Kristin DiPierro,

This letter is to inform you that FPL has reviewed the plans for the subject project and has no objections to the vacation of the 15-foot wide existing alley running north approximately 250 feet from NE 8th Street as shown on the plat recorded in Plat Book 2, Page 18 of the Public records of Miami-Dade County.

There are no existing FPL facilities within this alley.

Should you have any other questions, please feel free to call me at 305.599.4025.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sebastian", with a stylized flourish at the end.

Sebastian Cespedes
Construction Project Manager

an FPL Group Company