

GREGORY A. MCALOON
Direct Dial: 954.765.2920
Email: gmc@trippscott.com



August 30, 2019

VIA HAND DELIVERY

PLANNING AND ZONING BOARD
DEPARTMENT OF SUSTAINABLE DEVELOPMENT
URBAN DESIGN & PLANNING DIVISION
CITY OF FORT LAUDERDALE
700 N.W. 19TH AVE
FORT LAUDERDALE, FL

Re: V19003 – Public Participation Summary

Dear Members of the Planning and Zoning Board:

This firm represents Edward J. Kirwin and Betty G. Kirwin, as owner and applicant, ("Applicant"), regarding a vacation of right-of-way request, Case No. V19003. Applicant hereby provides this public participation summary pursuant to City of Fort Lauderdale Unified Land Development Regulations.

On August 6, 2019, Applicant provided Tarpon River Civic Association notice of a public participation meeting. The public participation meeting was subsequently held on August 18, 2019 at 4:00 PM at the South Side Cultural Arts Center located at 701 S Andrews Ave., Fort Lauderdale, FL 33316, ("Public Participation Meeting"). Approximately fifteen individuals attended the Public Participation Meeting, including members of the board of directors of Tarpon River Civic Association and property owners along SW 8th Street. Applicant and I provided aerial maps and street level images of the area to be vacated. We presented the materials and explained the applicable history. I detailed the vacation of right-of-way which took place in 1991 along SW 6th Street, and further explained how this action removed the public purpose of the street for use as a thoroughfare. I also explained a distinction between dedication of a street, and ownership of a street. A dedication results in the public having the right to use the relevant area for the purpose it was dedicated. In this case, SW 6th Street had been dedicated for use as a thoroughfare. Once the street ceases to be used for its intended purpose, the right-of-way is abandoned and the underlying fee reverts to the neighboring property owner up to the center line of the street.

Feedback received mainly centered around skepticism that Applicant will construct a single family home, and that residents did not want to see public property used for private purposes. I attempted to explain that the property belonged to Applicant, and the public had an easement right for use of the street as a thoroughfare. Regarding the single family home issue, I

110 Southeast Sixth Street, Fifteenth Floor • Fort Lauderdale, Florida 33301

Post Office Box 14245 • Fort Lauderdale, Florida 33302

Tel 954.525.7500 • Fax 954.761.8475 • www.trippscott.com

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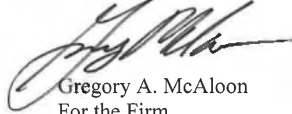
explained that I would work with staff in order to provide adequate assurance that a single family home will be built, if this vacation of right-of-way request is approved.

There seemed to be a noticeable split between residents who lived on the street as compared to members of the broader community. Residents of SW 8th Street appeared to welcome the vacation of right-of-way and construction of single family home as it would greatly enhance their property values. Residents along SW 8th Street have noticed the conditions which led to this vacation of right-of-way request, and believe this vacation request will resolve the negative effects of the abandoned right-of-way.

Some members suggested placement of a pocket park on the area to be vacated and referenced the Parks Master Plan. I explained there is currently no access to the water and there are no current views of the waterway, therefore it is not possible to maintain access and views. The City would have to create the access and views by removing the large growth trees and updating and enhancing the seawall to current city code. I further explained I researched the Tarpon River Master Mobility Plan and the Parks Bond Master Plan, and there is no planned activity or allocation of funds for this specific parcel of land. Therefore, the access and views could not be maintained, and instead needed to be created. Furthermore, I explained there is existing case law whereby it was found that a city cannot turn the dedication of a street into a dedication for a park.

In summary, the residents along SW 8th Street appeared to be in favor of the request and the members of the broader community appeared against the request due to the skepticism of construction of a single family home and the misconception that the City and public have an ownership interest in area to be vacated.

Respectfully submitted,



Gregory A. McAloon
For the Firm

Affirmation: I, _____, do hereby affirm that the foregoing is true and correct.

Applicant must provide notification according to the procedure listed below for projects listed in Sec. 47-27.4.A.2.c.

- A minimum of 21 days prior to the Development Review Committee (DRC) meeting, a notice from the applicant via letter or e-mail shall be provided to any official city-recognized civic organization(s) within 300 feet of the proposed project, notifying of the date, time and place of the DRC meeting.
- Prior to submittal of application to the Planning and Zoning Board (PZB), a notice from the applicant via letter or e-mail shall be provided to official city-recognized civic organization(s) within 300 feet of the proposed project, notifying of the date, time and place of applicant's project presentation meeting to take place prior to the PZB hearing.
- The applicant shall conduct a public participation meeting(s) a minimum of 30 days prior to the PZB hearing.
- After the public participation meeting(s), the applicant shall provide a written report letter to the Department of Sustainable Development, with copy to subject association(s), documenting the date(s), time(s), location(s), number of participants, presentation material and general summary of the discussion after a public participation meeting(s) has taken place a minimum of 30 days prior to the PZB hearing. The report letter shall summarize the substance of comments expressed during the process and shall be made a part of the administrative case file record.
- The applicant shall, ten (10) days prior to DRC and again for the PZB, execute and submit to the department an affidavit of proof of public notice according to this section. If the applicant fails to submit the affidavit the public hearing will be postponed until the next hearing after the affidavit has been supplied.

AFFIDAVIT OF PUBLIC PARTICIPATION NOTIFICATION

STATE OF FLORIDA
BROWARD COUNTY

RE: ☒ PLANNING AND ZONING BOARD CASE NO. V19003

APPLICANT: Ed and Betty Kirwin

PROPERTY: 800 and 811 SW 6th Street

PUBLIC HEARING DATE: September 18, 2019

BEFORE ME, the undersigned authority, personally appeared Gregory A. McAloon, who upon being duly sworn and cautioned, under oath deposes and says:


1. Affiant is the Applicant in the above cited City of Fort Lauderdale Development Review Case.
2. The Affiant/Applicant has mailed or has caused to be mailed, via postal service or electronic mail, a letter to any official city-recognized civic organization(s) within 300 feet of the proposed project, notifying of the date, time and place of the Public Participation meeting.
3. That the letter referenced in Paragraph two (2) above was mailed prior to the submittal of the PZB application meeting cited above.
4. That the public participation meeting was held at least **thirty (30)** days prior to the date of the PZB meeting cited above.
5. Affiant has prepared a summary of the public participation meeting cited above that documents the date(s), time(s), location(s), number of participants, presentation material and general summary of the discussion and comments expressed during the process.
6. Affiant acknowledges that this Affidavit must be executed and filed with the City's Urban Design & Planning office **ten (10)** days prior to the date of the Planning and Zoning Board meeting and if the Affidavit is not submitted, the Public Hearing on this case shall be cancelled.
7. Affiant is familiar with the nature of an oath or affirmation and is familiar with the laws of perjury in the State of Florida and the penalties therefor.

dum.

Affiant

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 4 day of September, 2019

(SEAL) 
NOTARY PUBLIC
MY COMMISSION EXPIRES:

 CINDY CLARK
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG233080
Expires 10/26/2022

NOTE: I understand that if my sign is not returned within the prescribed time limit as noted in Sec. 47.27.3.i of the City of Fort Lauderdale ULDR, I will forfeit my sign deposit. _____ (initial here)
_____ Initials of applicant (or representative) receiving sign as per 47-27.2(3)(A-J)