



## SUSTAINABLE DEVELOPMENT – URBAN DESIGN PLANNING

### RIGHT-OF-WAY/EASEMENT APPLICATION

Rev: 1 | Revision Date: 2/23/2017 | Print Date: 2/23/2017  
I.D. Number: ROWEA

#### DEVELOPMENT REVIEW COMMITTEE (DRC) Right-of-way / Easement Application

**Cover:** Deadline, Notes, and Fees  
**Page 1:** Applicant Information Sheet  
**Page 2:** Required Documentation / Submittal Checklist  
**Page 3:** Other Property & Right-of-Way related items for discussion

**DEADLINE:** Submittals must be received by 4:00 PM each business day. Pursuant to Section 47-24.1(1), the Department will review all applications to determine completeness within five (5) business days. Applicants will be notified via email, if plans do not meet the submittal requirements and if changes are required.

**NOTES:** Prior to formal submittal of applications, applicants are encouraged to schedule an appointment with Urban Design & Planning Division staff to obtain feedback regarding subject proposals, especially right-of-way vacation requests, as well as any other considerable development projects. The meetings provide an opportunity for applicants to obtain feedback and general direction, prior to expending significant effort on design and preparation of submittal documents.

Optional 15-minute time slots are available during DRC meetings for scheduling to applicants, to obtain signatures on completed DRC plans (including Pre-Planning and Zoning Board, Pre- City Commission and Final DRC plans) from all representatives at one time, in preference to scheduling individual appointments. Appointments are subject to availability. To make an appointment, please call 954-828-6531 latest by Friday at 12:00 noon prior to the meeting date.

Other Property & Right-of-Way related items for discussion: the application and submittal requirements are attached on the last page of this application.

**FEES:** All applications for development permits are established by the City Commission, as set forth by resolution and amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City, or special advertising costs shall be paid by the applicant. Any additional costs, which are unknown at the time of application, but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit.

Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, license, encroachment, water and sanitary sewer agreements, shall be preceded by the execution and filing of the following application form and the payment with said application fee of \$100.00, (Ordinance No. C-84-65), which shall be nonrefundable. This application must be presented and the fee paid before agreement is prepared or considered. If publication is necessary, applicant agrees to pay the cost of such publication

<input checked="" type="checkbox"/>	Easement Vacation	\$ 680.00
<input type="checkbox"/>	Right-of-Way Vacation	\$ 780.00
<input type="checkbox"/>	Agreements with the City *	\$ 100.00
<input type="checkbox"/>	Other Property & Right-of-Way related items for discussion	\$ 100.00

\* Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, revocable license, encroachment, water and sanitary sewer agreements)

## 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.

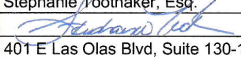
**NOTE:** To be filled out by Department

<b>Case Number</b>	
<b>Date of complete submittal</b>	

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

<b>Property Owner's Name</b>	TOWN DEVELOPMENT CO
<b>Property Owner's Signature</b>	If a signed agent letter is provided, no signature is required on the application by the owner.
<b>Address, City, State, Zip</b>	2649 NE 26 PL, FORT LAUDERDALE FL 33306
<b>E-mail Address</b>	
<b>Phone Number</b>	
<b>Proof of Ownership</b>	<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

<b>Applicant / Agent's Name</b>	Stephanie Toothaker, Esq.
<b>Applicant / Agent's Signature</b>	
<b>Address, City, State, Zip</b>	401 E Las Olas Blvd, Suite 130-154 Fort Lauderdale, FL 33301
<b>E-mail Address</b>	stephanie@toothaker.org
<b>Phone Number</b>	954.648.9376
<b>Letter of Consent Submitted</b>	see attached

<b>Development / Project Name</b>	Sherwin Williams on NE 4th Ave - Easement Vacation		
<b>Development / Project Address</b>	<b>Existing:</b> multiple	<b>New:</b> 1051/1071 NE 4th Ave	
<b>Legal Description</b>	See legal description attached.		
<b>Tax ID Folio Numbers</b> (For all parcels in development)	4942 34 04 8370, 4942 34 04 8380, 4942 34 04 8471, 4942 34 04 8560		
<b>Request / Description of Project</b>	Partial Vacation of existing utility easement: O.R.B. 11637, PG 691.		
<b>Applicable ULDR Sections</b>			
<b>Total Estimated Cost of Project</b>	\$	(Including land costs)	

<b>Current Land Use Designation</b>	Commercial
<b>Current Zoning Designation</b>	CB & RD-15
<b>Current Use of Property</b>	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 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

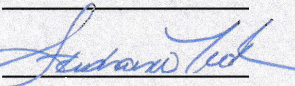
**NOTE:** For initial submittal one signed and sealed set is required. Copied sets will be requested after completion review. If the development site is separated by a public right-of-way including alley or alley reservations, a separate application must be completed for each parcel.

### 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	Stephanie Toothaker, Esq.	Date	
Signature		Received By	
Date		Tech. Specs Reviewed By	
		Case No.	





2400 W. 75<sup>th</sup> St, Suite 220  
Prairie Village, KS 66208

City of Fort Lauderdale  
Office of the City Clerk  
100 N. Andrews Avenue, 7<sup>th</sup> Floor  
Fort Lauderdale, FL 33301

July 30, 2019

Re: Authorization Letter

To Whom it May Concern:

Please accept this letter of authorization permitting Stephanie J. Toothaker, Esq. of Stephanie J. Toothaker, Esq., P.A. (toothaker.org) to represent the interests of Plaza Street Partners, LLC in connection with permitting in the City of Fort Lauderdale.

Sincerely,

Bret A. Elliott  
President

STATE OF MISSOURI

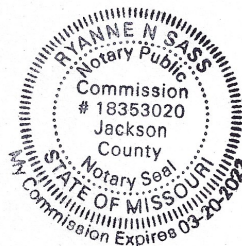
COUNTY OF JACKSON

Sworn to (or affirmed) and subscribed before me this 30<sup>th</sup> day of JULY, 2019, by BRET A. ELLIOTT.

Signature of Notary

RYANNE N. SASS

Print name of Notary



Personally Known X (OR) Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

[www.plazastreetpartners.com](http://www.plazastreetpartners.com)



Site Address	1024 NE 3 AVENUE, FORT LAUDERDALE FL 33304	ID #	4942 34 04 8560
Property Owner	TOWN DEVELOPMENT CO	Millage	0312
Mailing Address	2649 NE 26 PL FORT LAUDERDALE FL 33306	Use	00
Abbr Legal Description	PROGRESSO 2-18 D LOT 36 THRU 42 BLK 183		

The just values displayed below were set in compliance with [Sec. 193.011](#), Fla. Stat., and include a reduction for costs of sale and other adjustments required by [Sec. 193.011\(8\)](#).

Property Assessment Values					
Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2019	\$212,820		\$212,820	\$212,820	
2018	\$195,090		\$195,090	\$195,090	\$3,541.77
2017	\$118,240		\$118,240	\$118,240	\$2,184.50

2019 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$212,820	\$212,820	\$212,820	\$212,820
Portability	0	0	0	0
Assessed/SOH	\$212,820	\$212,820	\$212,820	\$212,820
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$212,820	\$212,820	\$212,820	\$212,820

Sales History				Land Calculations		
Date	Type	Price	Book/Page or CIN	Price	Factor	Type
5/22/2017	QCD-T	\$100	114406079	\$9.00	23,647	SF
3/25/2011	QCD-T	\$100	47808 / 1141			
3/9/2009	SWD-Q-DS	\$40,000	46203 / 599			
11/12/2008	CET-T	\$100	45874 / 1329			
9/30/2004	WD	\$339,000	38322 / 309			
				Adj. Bldg. S.F.		

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03								
L								
1								



<b>Site Address</b>	NE 4 AVENUE, FORT LAUDERDALE FL 33304	<b>ID #</b>	4942 34 04 8380
<b>Property Owner</b>	TOWN DEVELOPMENT CO	<b>Millage</b>	0312
<b>Mailing Address</b>	2649 NE 26 PL FORT LAUDERDALE FL 33306	<b>Use</b>	10
<b>Abbr Legal Description</b>	PROGRESSO 2-18 D LOT 2 LESS E 10 FOR ST BLK 183		

The just values displayed below were set in compliance with [Sec. 193.011](#), Fla. Stat., and include a reduction for costs of sale and other adjustments required by [Sec. 193.011\(8\)](#).

Property Assessment Values					
Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2019	\$28,150		\$28,150	\$28,150	
2018	\$25,810		\$25,810	\$25,810	\$468.58
2017	\$25,810		\$25,810	\$25,810	\$476.84

2019 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
<b>Just Value</b>	\$28,150	\$28,150	\$28,150	\$28,150
<b>Portability</b>	0	0	0	0
<b>Assessed/SOH</b>	\$28,150	\$28,150	\$28,150	\$28,150
<b>Homestead</b>	0	0	0	0
<b>Add. Homestead</b>	0	0	0	0
<b>Wid/Vet/Dis</b>	0	0	0	0
<b>Senior</b>	0	0	0	0
<b>Exempt Type</b>	0	0	0	0
<b>Taxable</b>	\$28,150	\$28,150	\$28,150	\$28,150

Sales History				Land Calculations		
Date	Type	Price	Book/Page or CIN	Price	Factor	Type
5/22/2017	QC*-T	\$100	114406134	\$9.00	3,128	SF
8/21/2012	WD*-E	\$40,000	49015 / 469			
8/21/2012	DR*-T	\$100	49015 / 468			
2/23/2010	WD*-T	\$100	46910 / 457			
12/29/2009	TD*-T		46806 / 1868			
				Adj. Bldg. S.F.		

\* Denotes Multi-Parcel Sale (See Deed)

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03								
L								
1								



Site Address	NE 4 AVENUE, FORT LAUDERDALE FL 33304	ID #	4942 34 04 8370
Property Owner	TOWN DEVELOPMENT CO	Millage	0312
Mailing Address	2649 NE 26 PL FORT LAUDERDALE FL 33306	Use	10
Abbr Legal Description	PROGRESSO 2-18 D LOT 1 LESS E 10 FOR ST BLK 183		

The just values displayed below were set in compliance with [Sec. 193.011](#), Fla. Stat., and include a reduction for costs of sale and other adjustments required by [Sec. 193.011\(8\)](#).

Property Assessment Values					
Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2019	\$28,930		\$28,930	\$28,390	
2018	\$25,810		\$25,810	\$25,810	\$468.58
2017	\$25,810		\$25,810	\$25,810	\$476.84

2019 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$28,930	\$28,930	\$28,930	\$28,930
Portability	0	0	0	0
Assessed/SOH	\$28,390	\$28,930	\$28,390	\$28,390
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$28,390	\$28,930	\$28,390	\$28,390

Sales History				Land Calculations		
Date	Type	Price	Book/Page or CIN	Price	Factor	Type
5/22/2017	QC*-T	\$100	114406134	\$9.25	3,128	SF
8/21/2012	WD*-E	\$40,000	49015 / 469			
8/21/2012	DR*-T	\$100	49015 / 468			
2/23/2010	WD*-T	\$100	46910 / 457			
12/29/2009	TD*-T		46806 / 1868			
				Adj. Bldg. S.F.		

\* Denotes Multi-Parcel Sale (See Deed)

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03								
L								
1								



<b>Site Address</b>	NE 4 AVENUE, FORT LAUDERDALE FL 33304	<b>ID #</b>	4942 34 04 8471
<b>Property Owner</b>	TOWN DEVELOPMENT CO	<b>Millage</b>	0312
<b>Mailing Address</b>	2649 NE 26 PL FORT LAUDERDALE FL 33306	<b>Use</b>	28
<b>Abbr Legal Description</b>	PROGRESSO 2-18 D LOTS 3 THRU 20, LESS E 10 FOR ST, 28 THRU 35 BLK 183		

The just values displayed below were set in compliance with [Sec. 193.011](#), Fla. Stat., and include a reduction for costs of sale and other adjustments required by [Sec. 193.011\(8\)](#).

Property Assessment Values					
Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2019	\$1,088,010	\$53,200	\$1,141,210	\$1,136,530	
2018	\$980,010	\$53,200	\$1,033,210	\$1,033,210	\$18,757.41
2017	\$980,010	\$53,200	\$1,033,210	\$1,033,210	\$19,088.85

2019 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
<b>Just Value</b>	\$1,141,210	\$1,141,210	\$1,141,210	\$1,141,210
<b>Portability</b>	0	0	0	0
<b>Assessed/SOH</b>	\$1,136,530	\$1,141,210	\$1,136,530	\$1,136,530
<b>Homestead</b>	0	0	0	0
<b>Add. Homestead</b>	0	0	0	0
<b>Wid/Vet/Dis</b>	0	0	0	0
<b>Senior</b>	0	0	0	0
<b>Exempt Type</b>	0	0	0	0
<b>Taxable</b>	\$1,136,530	\$1,141,210	\$1,136,530	\$1,136,530

Sales History				Land Calculations		
Date	Type	Price	Book/Page or CIN	Price	Factor	Type
5/22/2017	QCD-T	\$100	114406080	\$15.00	56,334	SF
10/18/2013	QCD-D	\$1,525,000	112042487	\$9.00	27,000	SF
				Adj. Bldg. S.F. (Card, Sketch)		

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03								
L								
1								



November 5, 2019  
Revised January 22, 2020

**Partial Easement Vacation Narrative**  
**15' Utility Easement O.R.B. 11637, PG 691**  
**1051/1071 NE 4th Avenue, Fort Lauderdale FL 33304**

The applicant would like to request the partial vacation of the southern portion of an existing utility easement. This easement was previously a 15' wide alley which has since been vacated and recorded as a utility easement under ORD #C-84-17.

**Sec. 47-24.7 Criteria.**

***An application of an easement shall be reviewed in accordance with the following criteria:***

- a) The easement is no longer needed for public purposes:  
**RESPONSE: The easement is no longer needed for public purposes. Letters of no objection have been obtained from the City and all applicable franchise utility companies.**
- 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: All required letters of no objection from the City and franchise utility companies have been provided and attached hereto. As is customary, the Applicant will relocate any facilities and dedicate any applicable easements at the Applicant's expense.**

**Sec. 47-25.2. - Adequacy requirements.**

- A. *Applicability.* The adequacy requirements set forth herein shall be used by the city to evaluate the demand created on public services and facilities created by a proposed development permit.
- B. *Communications network.* Buildings and structures shall not interfere with the city's communication network. Developments shall be modified to accommodate the needs of the city's communication network, to eliminate any interference a development would create or otherwise accommodate the needs of the city's communication network within the development proposal.

**Stephanie J. Toothaker, Esq.**  
land use development political strategy procurement

**Stephanie J. Toothaker, Esq., PA** 954.648.9376 stephanie@toothaker.org [@stoothaker](#) [@toothakerdevelopment](#)  
401 E Las Olas Blvd, Suite 130-154 Fort Lauderdale, FL 33301

**RESPONSE: The proposed easement vacation does not interfere with the City's communication network.**

- C. *Drainage facilities.* Adequacy of stormwater management facilities shall be evaluated based upon the adopted level of service requiring the retention of the first inch of runoff from the entire site or two and one-half (2½) inches of runoff from the impervious surface whichever is greater.

**RESPONSE: The proposed easement vacation provides no impact to any drainage facilities.**

D. *Environmentally sensitive lands.*

1. In addition to a finding of adequacy, a development shall be reviewed pursuant to applicable federal, state, regional and local environmental regulations. Specifically, an application for development shall be reviewed in accordance with the following Broward County Ordinances which address environmentally sensitive lands and wellfield protection which ordinances are incorporated herein by reference:

- a. Broward County Ordinance No. 89-6.
- b. Section 5-198(l), Chapter 5, Article IX of the Broward County Code of Ordinances.
- c. Broward County Ordinance No. 84-60.

2. The applicant must demonstrate that impacts of the proposed development to environmentally sensitive lands will be mitigated.

**RESPONSE: The project site is currently developed. The proposed easement vacation does not impact environmentally sensitive lands.**

- E. *Fire protection.* Fire protection service shall be adequate to protect people and property in the proposed development. Adequate water supply, fire hydrants, fire apparatus and facilities shall be provided in accordance with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.

**RESPONSE: All fire protection services will be provided as required by current regulations.**

F. *Parks and open space.*

1. The manner and amount of providing park and open space is as provided in [Section 47-38A](#), Park Impact Fees, of the ULDR.
2. No building permit shall be issued until the park impact fee required by Section 47-38A of the ULDR has been paid in full by the applicant.

**RESPONSE: The commercial project will not require a park impact fee.**

- G. *Police protection.* Police protection service shall be adequate to protect people and property in the proposed development. The development shall provide improvements

which are consistent with Crime Prevention Through Environmental Design (CPTED) to minimize the risk to public safety and assure adequate police protection.

**RESPONSE: The developer will take the necessary steps to design with CPTED in mind.**

*H. Potable water.*

1. Adequate potable water service shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of potable water systems in accordance with city engineering standards, the Florida Building Code, and applicable health and environmental regulations. The existing water treatment facilities and systems shall have sufficient capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which potable water treatment capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended from time to time. Improvements to the potable water service and system shall be made in accordance with city engineering standards and other accepted applicable engineering standards.

*2. Potable water facilities.*

- a. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.
- b. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the development.
- c. Where the county is the projected service provider, a similar written assurance will be required.

**RESPONSE: No facilities are impacted by this request to vacate.**

*I. Sanitary sewer.*

1. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from the design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.
2. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the proposed development.

3. Where the county is the projected service provider, a written assurance will be required.
4. Where septic tanks will be utilized, the applicant shall secure and submit to the city a certificate from the Broward County Health Unit that certifies that the site is or can be made suitable for an on-site sewage disposal system for the proposed use.

**RESPONSE: No impact to sanitary sewer is proposed with this request. Please see the no objection letter from the public works department attached.**

J. *Schools*. For all development including residential units, the applicant shall be required to mitigate the impact of such development on public school facilities in accordance with the Broward County Land Development Code or [section 47-38C](#). Educational Mitigation, as applicable and shall provide documentation to the city that such education mitigation requirement has been satisfied.

**RESPONSE: No impact to schools is proposed with this request.**

K. *Solid waste*.

1. Adequate solid waste collection facilities and service shall be obtained by the applicant in connection with the proposed development and evidence shall be provided to the city demonstrating that all solid waste will be disposed of in a manner that complies with all governmental requirements.
2. *Solid waste facilities*. Where the city provides solid waste collection service and adequate service can be provided, an adequacy finding shall be issued. Where there is another service provider, a written assurance will be required. The impacts of the proposed development will be determined based on Table 4, Solid Waste, on file with the department.

**RESPONSE: There will be no impact to solid waste.**

L. *Stormwater*. Adequate stormwater facilities and systems shall be provided so that the removal of stormwater will not adversely affect adjacent streets and properties or the public stormwater facilities and systems in accordance with the Florida Building Code, city engineering standards and other accepted applicable engineering standards.

**RESPONSE: There will be no impact to stormwater as part of the easement vacation. Please see the no objection letter from the public works department attached.**

M. *Transportation facilities*.

1. The capacity for transportation facilities shall be evaluated based on Table 1, Generalized Daily Level of Service Maximum Volumes, on file with the department. If a development is within a compact deferral area, the available traffic capacity shall be determined in accordance with Table 2, Flowchart, on file with the department.

2. *Regional transportation network.* The regional transportation network shall have the adequate capacity, and safe and efficient traffic circulation to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the adopted traffic elements of the city and the county comprehensive plans, and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is needed in order to evaluate the impacts of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit such a study to the city which will be considered by the DRC in its review. Roadway improvements needed to upgrade the regional transportation network shall be made in accordance with the city, the county, and Florida Department of Transportation traffic engineering standards and plans as applicable.

**RESPONSE: The proposed easement vacation will provide no adverse impact to the regional transportation network.**

3. *Local streets.* Local streets shall have adequate capacity, safe and efficient traffic circulation, and appropriate functional classification to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the city's comprehensive plan and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is required in order to evaluate the impact of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit to the city such a study to be considered as part of the DRC review. Street improvements needed to upgrade the capacity or comply with the functional classification of local streets shall be made in accordance with the city engineering standards and acceptable applicable traffic engineering standards. Local streets are those streets that are not classified as federal, state or county roadways on the functional classification map adopted by the State of Florida.

**RESPONSE: The proposed easement vacation will provide no impact to the local streets.**

4. *Traffic impact studies.*

- a. When the proposed development may generate over one thousand (1,000) daily trips; or
- b. When the daily trip generation is less than one thousand (1,000) trips; and (1) when more than twenty percent (20%) of the total daily trips are anticipated to arrive or depart, or both, within one-half ( $\frac{1}{2}$ ) hour; or (2) when the proposed use creates varying trip generation each day, but has the potential to place more than twenty percent (20%) of its maximum twenty-four (24) hour trip generation onto the adjacent transportation system within a one-half ( $\frac{1}{2}$ ) hour period; the applicant shall submit to the city a traffic impact analysis prepared



by the county or a registered Florida engineer experienced in trafficways impact analysis which shall:

- i. Provide an estimate of the number of average and peak hour trips per day generated and directions or routes of travel for all trips with an external end.
- ii. Estimate how traffic from the proposed development will change traffic volumes, levels of service, and circulation on the existing and programmed trafficways.
- iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local trafficways, define what city, county or state agencies have programmed the necessary construction and how this programming relates to the proposed development.
- iv. A further detailed analysis and any other information that the review committee considers relevant.
- v. The traffic impact study may be reviewed by an independent licensed professional engineer contracted by the city to determine whether it adequately addresses the impact and the study supports its conclusions. The cost of review by city's consultant shall be reimbursed to the city by the applicant.
- vi. When this subsection M.4.b. applies, the traffic study shall include an analysis of how the peak loading will affect the transportation system including, if necessary, an operational plan showing how the peak trips will be controlled and managed.

**RESPONSE: There is no proposed impact to traffic.**

5. *Dedication of rights-of-way.* Property shall be conveyed to the public by plat, deed or grant of easement as needed in accordance with the Broward County Trafficways Plan, the city's comprehensive plan, subdivision regulations and accepted applicable traffic engineering standards.

**RESPONSE: N/A**

6. *Pedestrian facilities.* Sidewalks, pedestrian crossing and other pedestrian facilities shall be provided to encourage safe and adequate pedestrian movement on-site and along roadways to adjacent properties. Transit service facilities shall be provided for as required by the city and Broward County Transit. Pedestrian facilities shall be designed and installed in accordance with city engineering standards and accepted applicable engineering standards.

**RESPONSE: The proposed easement vacation provides no impact to any pedestrian facilities.**

7. *Primary arterial street frontage.* Where a proposed development abuts a primary arterial street either existing or proposed in the trafficways plan, the development

review committee (DRC) may require marginal access street, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to assure separation of through and level traffic.

**RESPONSE: The easement is not located on an arterial street.**

8. *Other roadway improvements.* Roadways adjustments, traffic control devices, mechanisms, and access restrictions may be required to control traffic flow or divert traffic, as needed to reduce or eliminate development generated traffic.

**RESPONSE: N/A for easement vacation application.**

9. *Street trees.* In order to provide for adequate landscaping along streets within the city, street trees shall be required along the length of the property abutting a street. A minimum of fifty percent (50%) of the required street trees shall be shade trees, and the remaining street trees may be provided as flowering or palm trees. These percentages may be varied based on existing or proposed physical conditions which may prevent the ability to comply with the street tree requirements of this subsection. The street trees shall be planted at a minimum height and size in accordance with the requirements of [Section 47-21](#), Landscape and Tree Preservation Requirements, except in the downtown RAC districts the requirements of Sec. 47-13.20.H.8 shall apply. The location and number of street trees shall be determined by the department based on the height, bulk, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. The requirements for street trees, as provided herein, may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way.

**RESPONSE: N/A**

N. *Wastewater.*

1. *Wastewater.* Adequate wastewater services shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of a wastewater and disposal system in accordance with applicable health, environmental and engineering regulations and standards. The existing wastewater treatment facilities and systems shall have adequate capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which wastewater treatment or disposal capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended for time to time. Improvements to the wastewater facilities and system shall be made in accordance with the city engineering and accepted applicable engineering standards.

**RESPONSE: N/A to easement vacation request.**

*O. Trash management requirements.* A trash management plan shall be required in connection with non-residential uses that provide prepackaged food or beverages for off-site consumption. Existing non-residential uses of this type shall adopt a trash management plan within six (6) months of the effective date of this provision.

**RESPONSE: N/A for easement vacation.**

*P. Historic and archaeological resources.*

1. If a structure or site has been identified as having archaeological or historical significance by any entity within the State of Florida authorized by law to do same, the applicant shall be responsible for requesting this information from the state, county, local governmental or other entity with jurisdiction over historic or archaeological matters and submitting this information to the city at the time of, and together with, a development permit application. The reviewing entity shall include this information in its comments.

**RESPONSE: The site has not been identified as having archaeological or historical significance.**

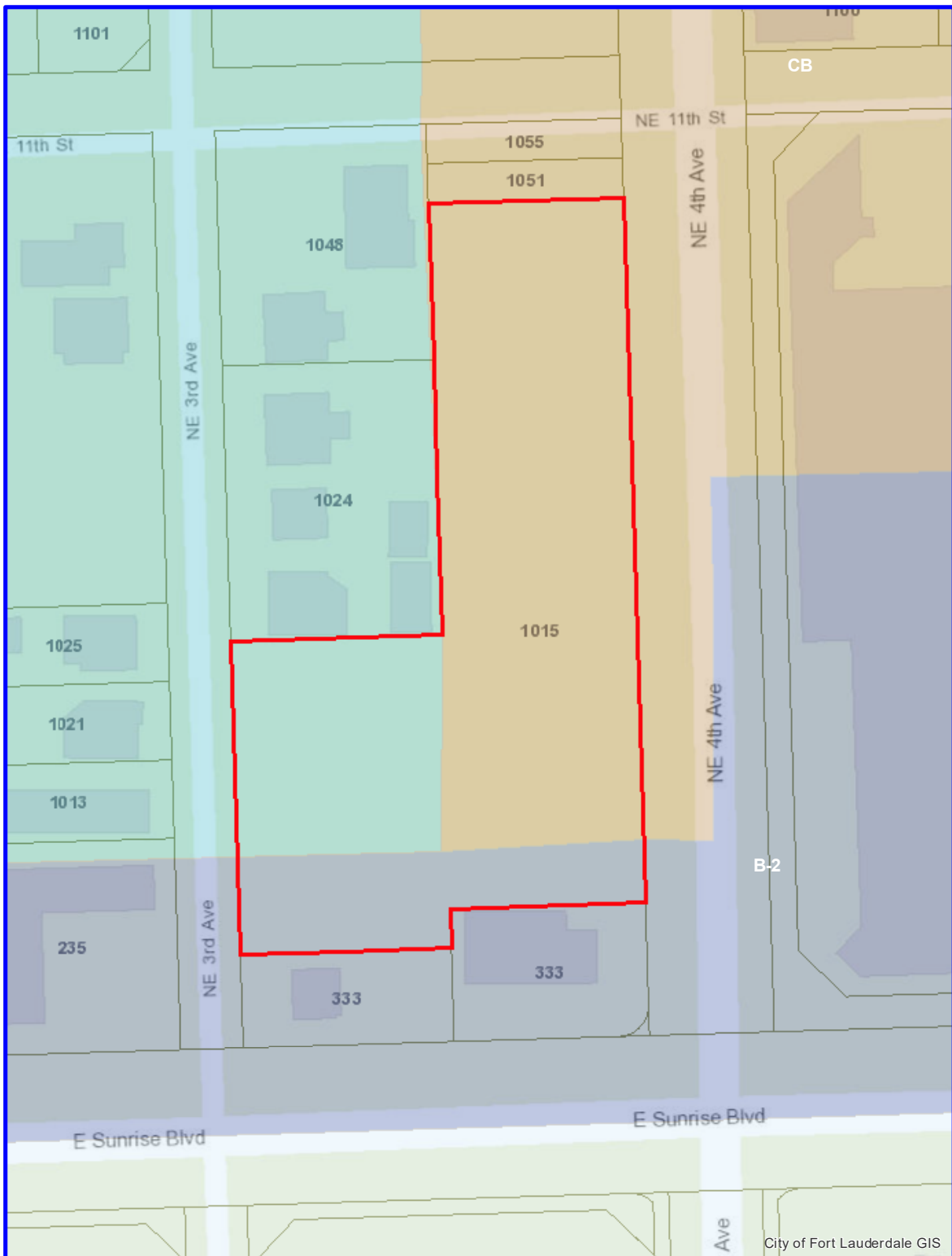
*Q. Hurricane evacuation.* If a structure or site is located east of the Intracoastal Waterway, the applicant shall submit documentation from Broward County or such agency with jurisdiction over hurricane evacuation analysis either indicating that acceptable level of service of hurricane evacuation routes and hurricane emergency shelter capacity shall be maintained without impairment resulting from a proposed development or describing actions or development modifications necessary to be implemented in order to maintain level of service and capacity.

**RESPONSE: Not applicable. The easement is located west (inland) of the Intracoastal Waterway.**

Respectfully,

/s/ *Stephanie J. Toothaker*

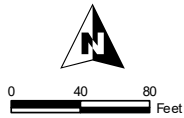
Stephanie J. Toothaker, Esq.



CITY OF FORT LAUDERDALE

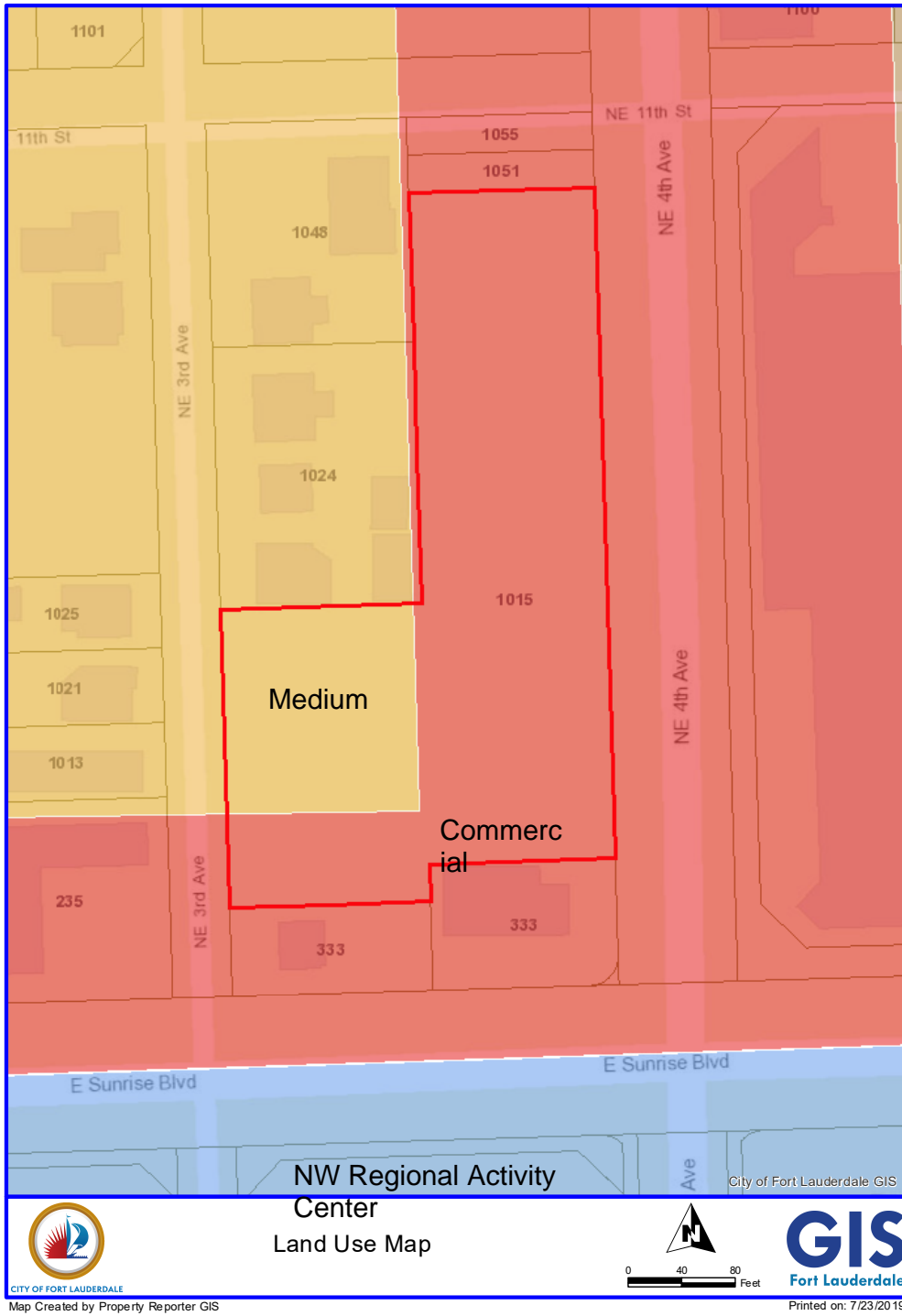
Map Created by Property Reporter GIS

## Zoning Map



**GIS**  
Fort Lauderdale

Printed on: 7/23/2019







11/6/2019

To: Marc Isaac-Flynn Engineering  
241 Commercial Blvd.  
Lauderdale-By-The-Sea, FL 33308

RE: Vacation of Easement:  
1015 NE 4<sup>th</sup> Ave.  
Ft. Lauderdale, 33304  
Folio #494234048471  
Parcel ID #9234048471

From: TECO Peoples Gas

To whom it may concern:

Thank you for contacting TECO Peoples Gas Company regarding vacate of easement at the above referenced location. After reviewing the documents provided, TECO-PGS has NO objection to this vacate. .

If you have further questions, please do not hesitate to call.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joan Domning".

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



Dyke Tittle  
Manager - OSP Planning  
& Engineering Design

ATT Florida  
8601 W Sunrise Blvd  
Plantation, FL 33322

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

November, 20<sup>th</sup> 2019

**Subject: 1015 NE 4<sup>TH</sup> AVE, Fort Lauderdale, FL 33304.  
Lots 3 thru 20, less E 10 for ST, 28 thru 35 Block 183 "PROGRESSO",  
according to the Plat thereof, as recorded in Plat Book 2, Page 18, of the Public  
Records of Dade County, Florida.**

To Whom it may concern:

ATT does not object to your request for an easement vacation of the 15' of the easement going through the property at 1015 NE 4<sup>th</sup> Ave. Applicants property is at 1015 NE 4<sup>th</sup> Ave and further legally described as PROGRESSO 2-18 D, Lots 3 thru 20, less E 10 for ST, 28 thru 35 Block 183.

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,

Dyke Tittle  
Manager - OSP Planning &  
Engineering Design

December 18, 2019

Mr. Marc Isaac  
Flynn Engineering Services, P.A.  
241 Commercial Blvd.  
Lauderdale-By-The-Sea, FL. 33308

Subject: **Proposed 15' Easement Vacation for 11051/1071 NE 4<sup>th</sup> Avenue**

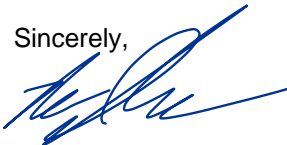
Dear Mr. Isaac,

This letter is in response to your request for a no objection letter regarding the proposed 15' x 165' Utility Easement vacation for your project at 1051/1071 NE 4<sup>th</sup> Avenue, Fort Lauderdale, as described in the documents provided.

Based on review the documents and our assessment of City records, it appears there are no City facilities located within the utility easement. The City of Fort Lauderdale has **No Objection** to the proposed vacation of the 15' x 165' utility easement vacation described above with the understanding that the vacation is conditioned upon the relocation, removal, or proper abandonment of any City facilities found. Any relocation, removal, or abandonment of any existing utilities must be conducted with approved engineering plans, at the developer's expense and the relocated, removed, or abandoned utilities would be required to be inspected and accepted by the Department of Sustainable Development.

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

Sincerely,



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



Florida Power & Light Company

November 19, 2019

To:  
Marc Isaac  
241 Commercial Blvd, Lauderdale-by-the-sea, FL 33308

Re:  
Easement Vacation of 1051 NE 4<sup>TH</sup> Ave, Fort Lauderdale, FL

Dear Marc,

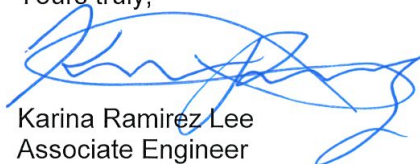
FPL has no objection to abandoning or vacating the easement at the above address.

However, FPL has existing 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 954-717-1430 should you have any questions or concerns.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Karina Ramirez Lee', is written over a blue circular stamp.

Karina Ramirez Lee  
Associate Engineer

A NEXTERA ENERGY Company



**Engineering – Design Department**  
**2601 SW 145<sup>th</sup> Avenue Miramar, FL 33027**

Wednesday, December 11, 2019

**Marc Isaac**  
**Flynn Engineering Service, P.A.**  
**241 Commercial Blvd**  
**Lauderdale -By-The-Sea, FL 33308**

**Comcast No Objection/Utility Easement Vacation**  
**1051 / 1071 NE 4th Ave,**  
**Fort Lauderdale, FL 33304**

**Dear Ms. Isaac,**

In reviewing your easement vacation request for

**1051/1071 NE 4th Ave Fort Lauderdale, FL 33304**

Comcast has no objection to the requested action. Comcast has facilities within the limits of this subject property that will be relocated.

Should you have any further questions, please feel free to call me at 1-754-221-1314 or e-mail [leonard\\_maxwell-newbold@cable.comcast.com](mailto:leonard_maxwell-newbold@cable.comcast.com) or [Sherell\\_mckay2@comcast.com](mailto:Sherell_mckay2@comcast.com)

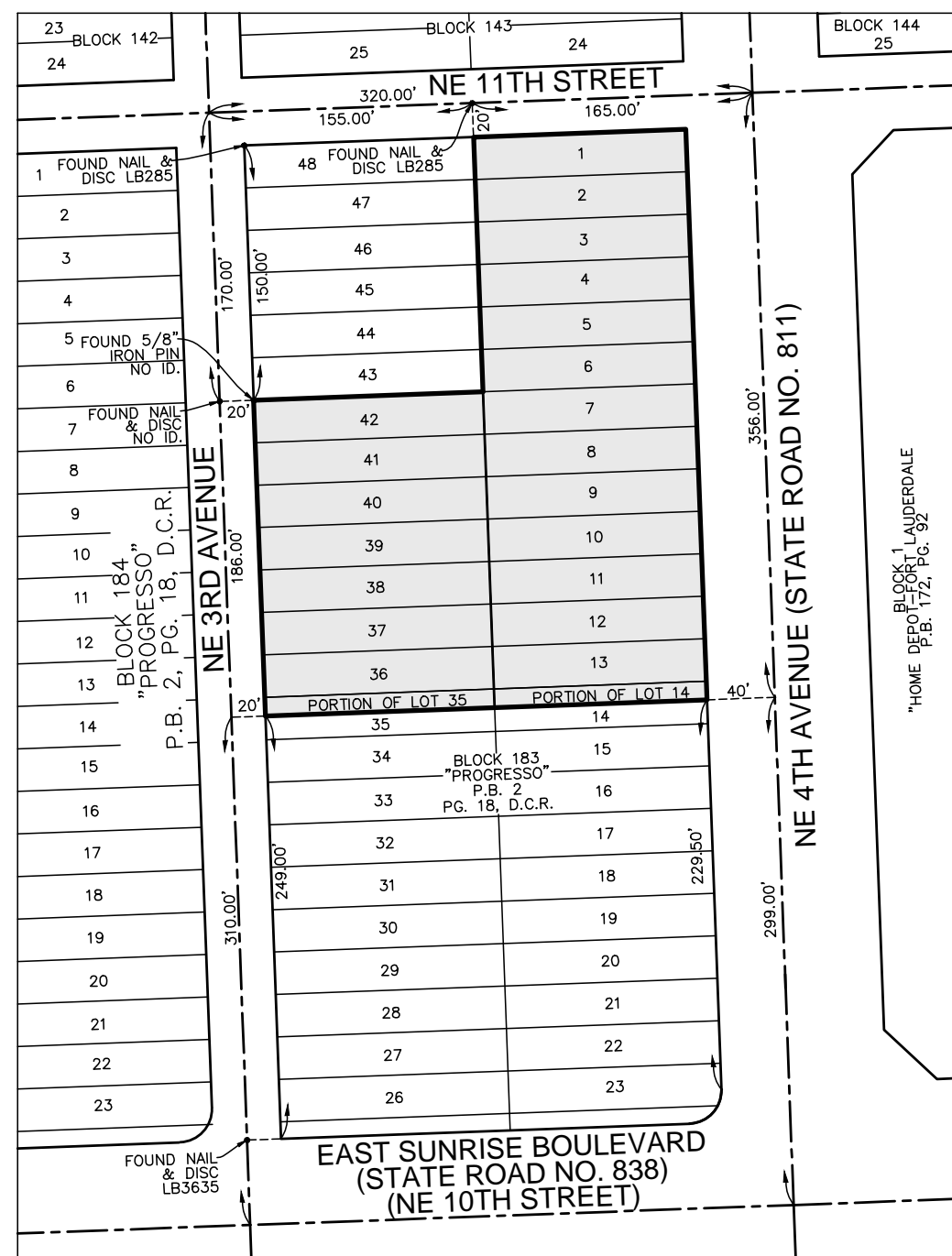
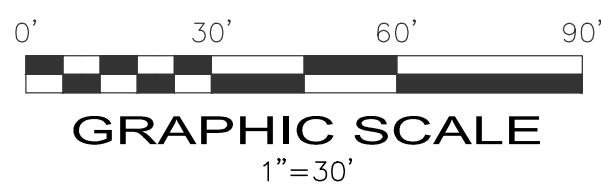
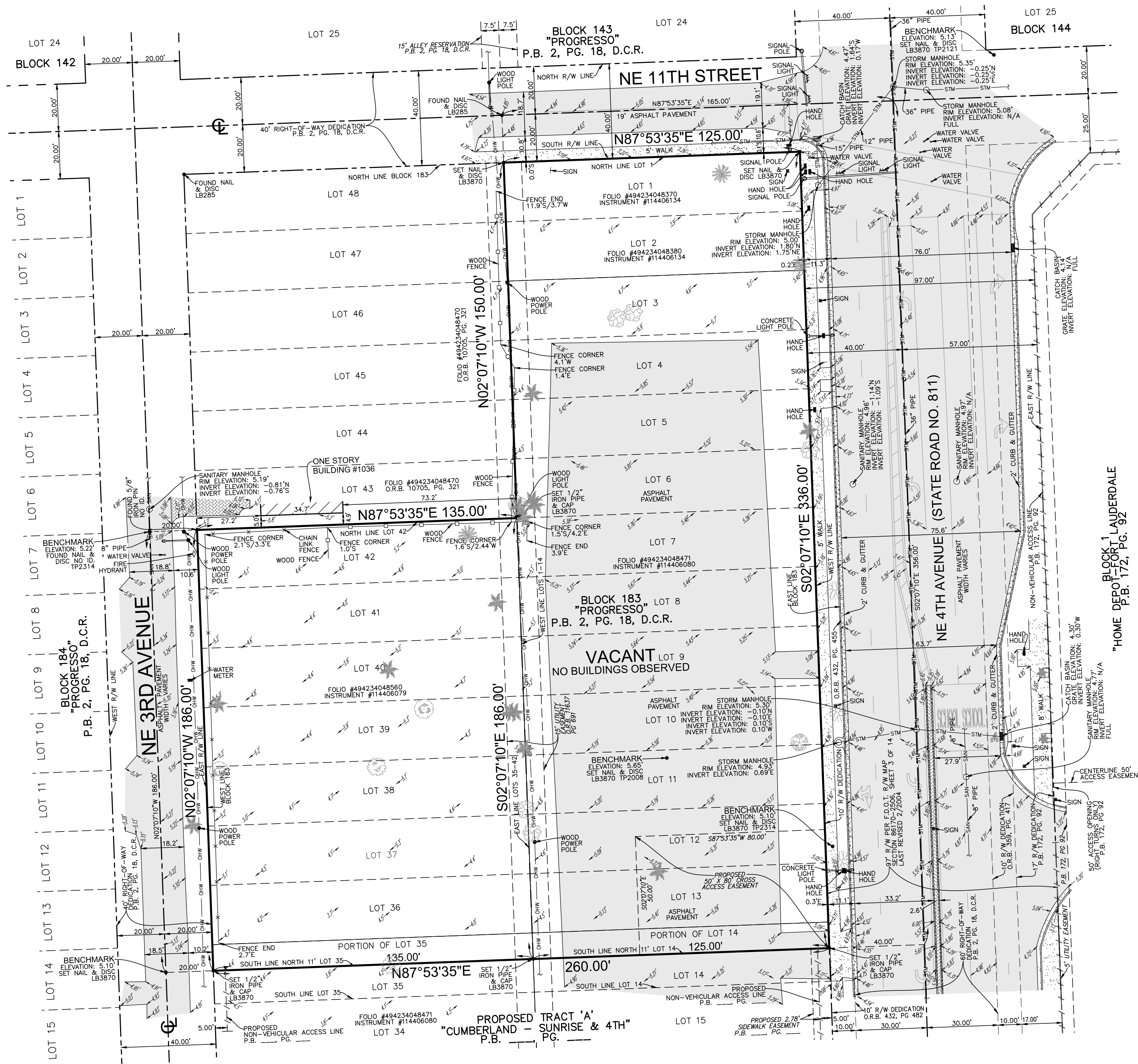
**Sherell McKay** Digitally signed by Sherell McKay  
Date: 2019.12.11 15:12:10 -05'00'

Sherell McKay  
**Sr. Permit Coordinator Southern Division**  
12/11/2019 2:28:01 PM



# SHERWIN WILLIAMS ON 4TH AVE PARTIAL EASEMENT VACATION

- LEGEND**
- CONCRETE
  - ASPHALT PAVEMENT
  - PAVERS
  - ELEVATION
  - OVERHEAD WIRES
  - UNDERGROUND STORM SEWER LINE
  - UNDERGROUND SANITARY SEWER LINE
  - NON-VEHICULAR ACCESS LINE
  - CENTERLINE
  - O.R.B. OFFICIAL RECORDS BOOK
  - P.B. PLAT BOOK
  - PG. PAGE
  - F.D.O.T. FLORIDA DEPT. OF TRANSPORTATION
  - R/W RIGHT-OF-WAY
  - D.C.R. MIAMI-DADE COUNTY RECORDS
  - TP TRAVERSE POINT (FOR FIELD INFORMATION ONLY)
  - FPL FLORIDA POWER & LIGHT COMPANY
  - N/A NOT AVAILABLE
  - LB LICENSED BUSINESS
  - PALM TREE
  - OAK TREE
  - PINE TREE
  - MANGO TREE
  - BLACK OLIVE TREE
  - TAMARIND TREE
  - UNIDENTIFIED TREE



**VICINITY MAP**  
NOT TO SCALE

**LEGAL DESCRIPTION:**

LOTS 1 THROUGH 13, INCLUSIVE, AND THE NORTH 11.00 FEET OF LOT 14, LESS THE EAST 10.00 FEET THEREOF, TOGETHER WITH THE NORTH 11.00 FEET OF LOT 35 AND ALL OF LOTS 36 THROUGH 42, INCLUSIVE, ALL IN BLOCK 183 OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, CONTAINING 67,110 SQUARE FEET (1.5406 ACRES) MORE OR LESS.

**NOTES:**

- ELEVATIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988. BROWARD COUNTY BENCHMARK #1875; ELEVATION: 6.059'.
- FLOOD ZONE: AH; BASE FLOOD ELEVATION: 6'; PANEL #125105 0369H; MAP DATE: 08/18/14.
- THIS SITE LIES IN SECTION 34, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA.
- BEARINGS ARE BASED ON THE EAST RIGHT-OF-WAY LINE OF NE 3RD AVENUE BEING N02°07'10"W.
- REASONABLE EFFORTS WERE MADE REGARDING THE EXISTENCE AND THE LOCATION OF UNDERGROUND UTILITIES. THIS FIRM, HOWEVER, DOES NOT ACCEPT RESPONSIBILITY FOR THIS INFORMATION. BEFORE EXCAVATION OR CONSTRUCTION CONTACT THE APPROPRIATE UTILITY COMPANIES FOR FIELD VERIFICATION.
- THIS SURVEY IS CERTIFIED EXCLUSIVELY TO: PLAZA STREET PARTNERS.
- THE HORIZONTAL POSITIONAL ACCURACY OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS  $\pm 0.2'$ . THE VERTICAL ACCURACY OF ELEVATIONS OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS  $\pm 0.1'$ .
- THIS SITE CONTAINS NO MARKED PARKING SPACES.
- THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF COMMITMENT FOR TITLE INSURANCE. ONLY PLATTED OR KNOWN EASEMENTS ARE DEPICTED HEREON.
- ALL RECORDED DOCUMENTS ARE PER BROWARD COUNTY RECORDS UNLESS OTHERWISE NOTED.

**CERTIFICATION:**

I HEREBY CERTIFY: THAT THIS SKETCH OF SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES ("DOACS") CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

- JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
  - BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
  - VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
- STATE OF FLORIDA

NO.	REVISIONS	BY
1		
2		
3		
4		
5		

**SHERWIN WILLIAMS SITE**  
NE 4TH AVENUE & NE 11TH STREET  
FORT LAUDERDALE, BROWARD COUNTY  
FLORIDA 33304

**BOUNDARY AND TOPOGRAPHIC SURVEY**



**PULICE LAND SURVEYORS, INC.**  
5381 NOB HILL ROAD  
SUNRISE, FLORIDA 33351  
TELEPHONE: (954) 572-1777  
FAX: (954) 572-1778  
E-MAIL: surveys@pulicelandsurveyors.com  
WEBSITE: www.pulicelandsurveyors.com  
CERTIFICATE OF AUTHORIZATION LB#3870

DRAWN BY: B.E.  
CHECKED BY: J.F.P.

SCALE: 1" = 30'  
SURVEY DATE: 07/30/19

FILE: PLAZA STREET PARTNERS  
ORDER NO.: 66254



