



Town Council Agenda Report

SUBJECT: ORDINANCE

TITLE OF AGENDA ITEM:

VA 4-1-99 - Town of Davie, petitioner /owner

REPORT IN BRIEF:

This is an ordinance authorizing the abandonment of a portion of NW 38th Street, which does not serve any public purpose, providing for maintenance by the owner in which the property reverts to.

Background: The portion of right-of-way to be abandoned is adjacent to a multi-family residential development currently under construction. The development consists of approximately 9 buildings comprising 70 units. The abandonment of NW 38th Street will benefit the Town by allowing the unneeded portion of land to be incorporated into the development for landscaping and maintenance.

Purpose of Request: To relinquish ownership of a portion of local roadway, which does not serve a public purpose, in order to have the abutting owners, own, operate and maintain the land.

Significant Impacts: There are no negative impacts as a result of this request.

Conclusion: The proposed vacation of right-of-way is consistent with the the Town's Comprehensive Plan.

PREVIOUS ACTIONS:

The Planning and Zoning Board recommended approval (5-0), April 28, 1999.

Town Council approved (5-0), May 5, 1999.

Second reading of this item was withdrawn at the September 1, 1999 Town Council meeting. Additional language needed to be implemented into the ordinance and was required to be re-presented for first reading.

CONCURRENCES: (concerns and/or opinions of affected departments, Committees, Boards or Council)

The portion of public right-of-way to be vacated does not serve a public purpose and will not have a negative impact on the area.

FISCAL IMPACT:

Is appropriation required?	No
Funding appropriated?	No

RECOMMENDATION(S):

Motion to approve this Ordinance.

Attachment(s): Ordinance with exhibits, Subject Site Map, and Aerials.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATION A PORTION OF ROAD RIGHT-OF-WAY AND EASEMENTS FOR A PORTION OF NW 38TH STREET, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a portion of NW 38th Street, specifically described on Exhibit "A" attached hereto, was accepted as a public road right-of-way and easements; and

WHEREAS, the property owners have petitioned the Town Council to vacate and abandon a portion of such right-of-way; and

WHEREAS, the existing 10' utility easement, within the portion of right-of-way to be vacated, will not be abandoned or affected by said vacation;

WHEREAS, at a meeting of the Town Council on August 18, 1999, the Town Council did agree to such vacation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That portion of NW 38th Street, specifically described on Exhibit "A" attached hereto, is hereby vacated by the Town of Davie.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 3. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 1999.

PASSED ON SECOND READING THIS _____ DAY OF _____, 1999.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 1999.

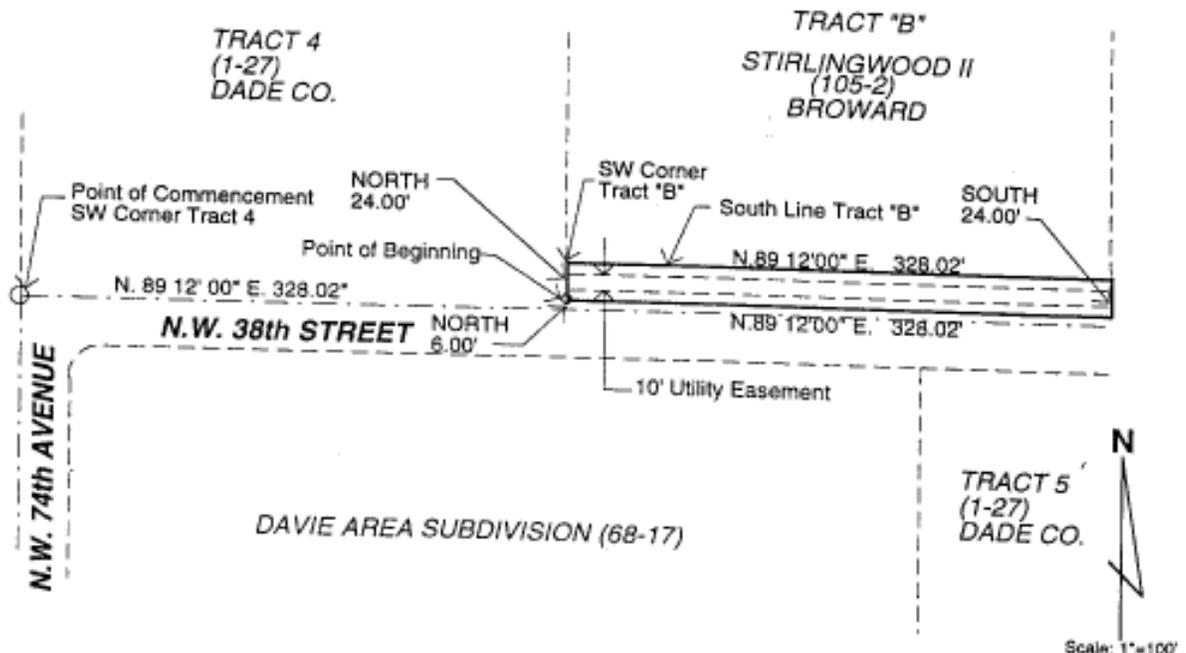
Exhibit "A"

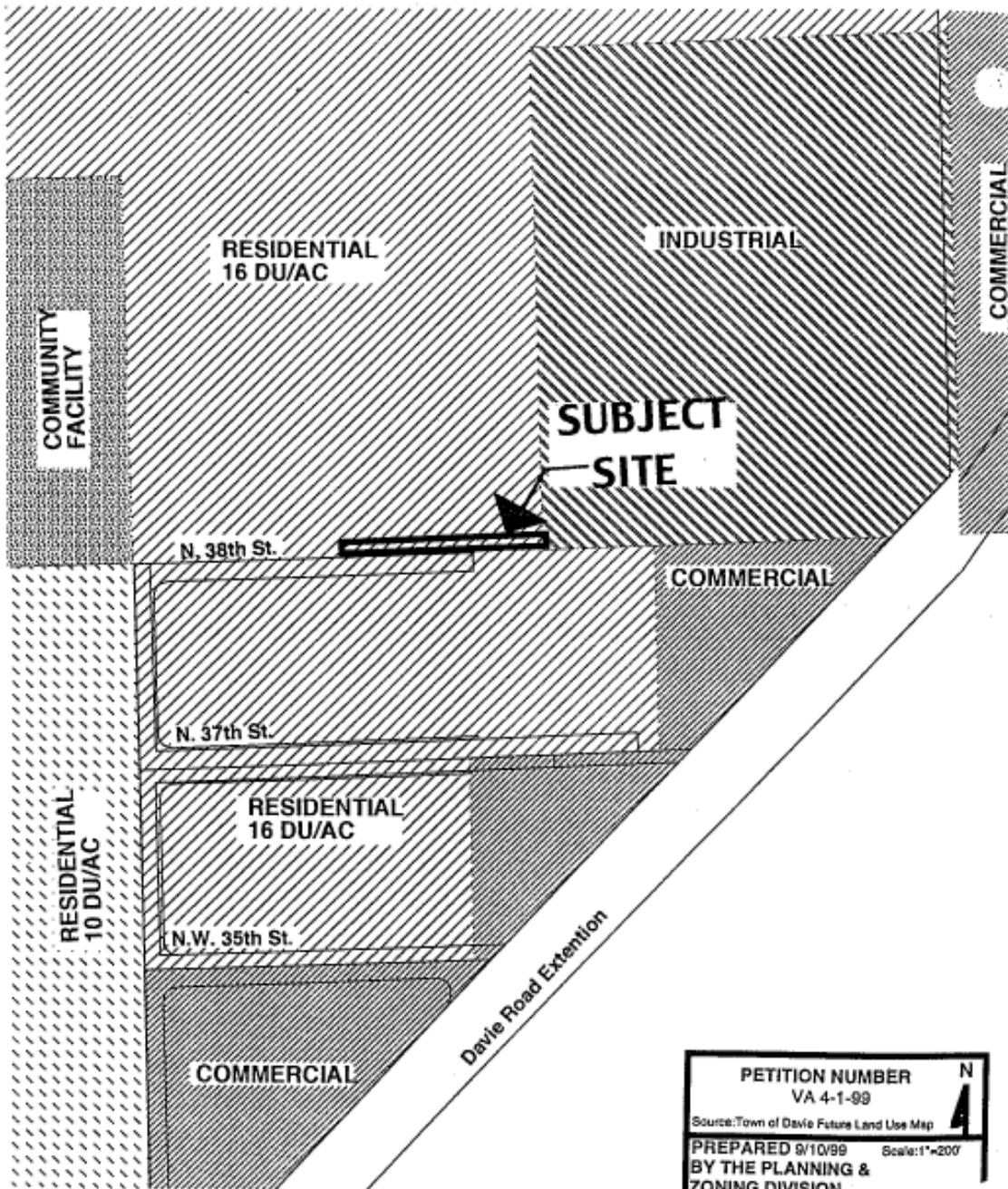
LEGAL DESCRIPTION FOR VACATION OF A PORTION OF RIGHT-OF-WAY FOR N.W. 38TH STREET

A portion of Tract 4 of "A.J. Bendle Subdivision" in Section 3, Township 51 South, Range 41 East according to the plat thereof as recorded in Plat book 1, at page 27 of the public records of Dade County Florida and also known as N.W. 38th Street, a 30 foot right-of-way dedication as per "Stirlingwood II" according to the plat thereof as recorded in Plat Book 105, at Page 2 of the public records of Broward County Florida, described as follows:

Commence at the Southwest corner of Tract 4 thence run N. 89 degrees 12' 00" E. a distance of 328.02 feet to a point; thence run North a distance of 6.00 feet to the Point of Beginning. Continue North a distance of 24.00 feet to a point, also being the Southwest corner of Tract "B" of "Stirlingwood II", thence run N. 89 degrees 12' 00" E. a distance of 328.02 feet along the South line of Tract "B" to a point, thence run South a distance of 24.00 feet to a point, thence run S. 89 degrees 12' 00" W. a distance of 328.02 feet to the Point of Beginning.

SKETCH OF DESCRIPTION VACATION OF A PORTION OF RIGHT-OF-WAY FOR N.W. 38TH STREET



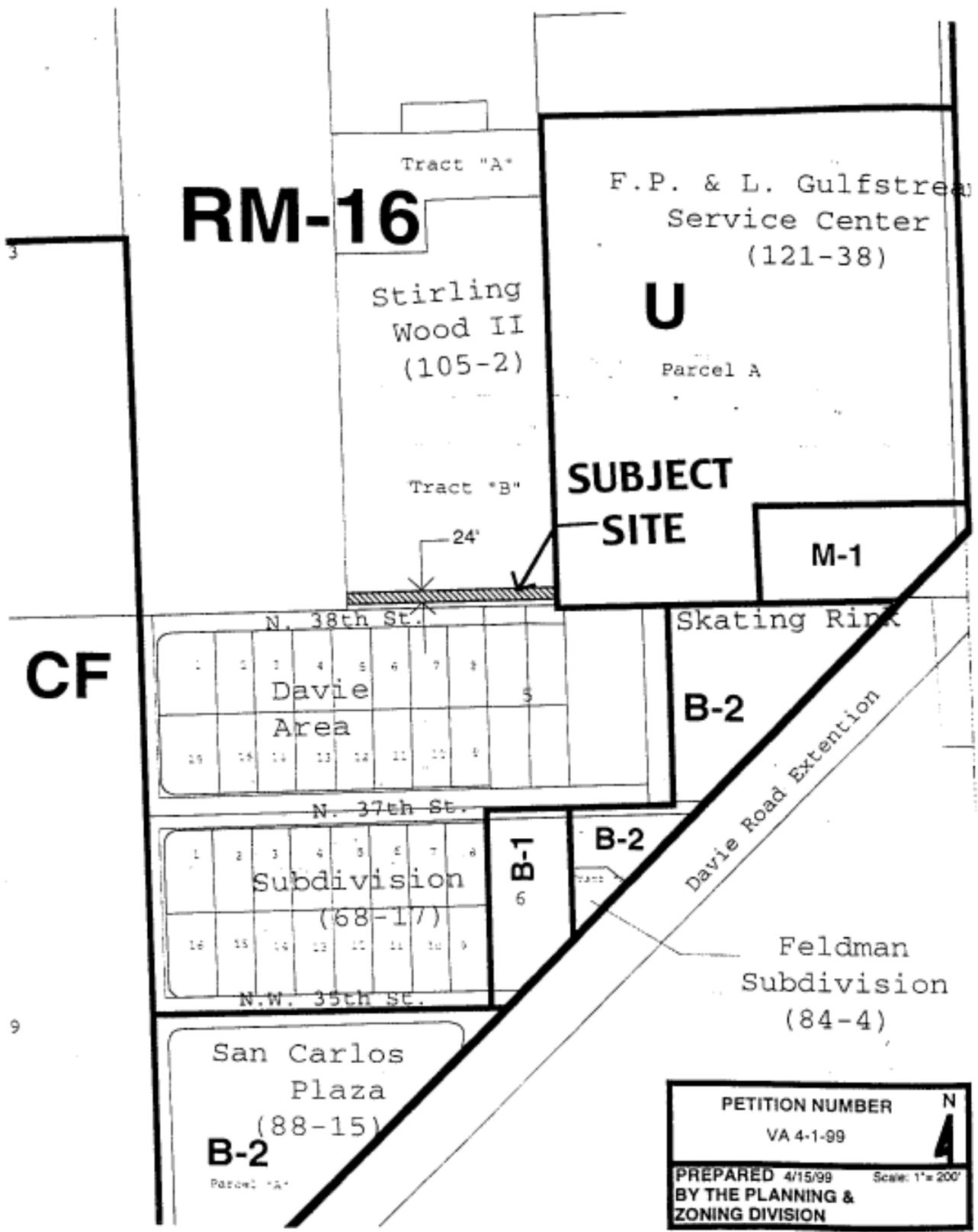


PETITION NUMBER
VA 4-1-99

Source: Town of Davie Future Land Use Map

PREPARED 9/10/99 Scale: 1"=200'
BY THE PLANNING &
ZONING DIVISION

N



RM-16

Tract "A"

F.P. & L. Gulfstream
Service Center
(121-38)

U

Parcel A

Stirling
Wood II
(105-2)

Tract "B"

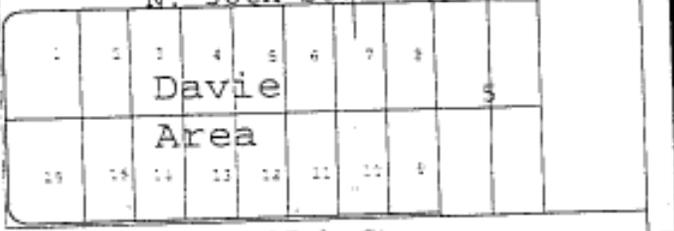
**SUBJECT
SITE**

M-1

24'

CF

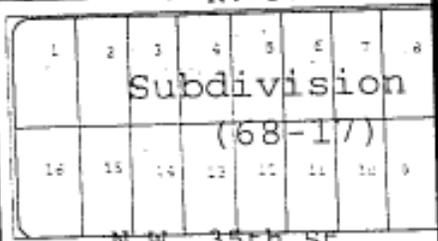
N. 38th St.



Skating Rink

B-2

N. 37th St.



B-1

B-2

Davie Road Extension

Feldman
Subdivision
(84-4)

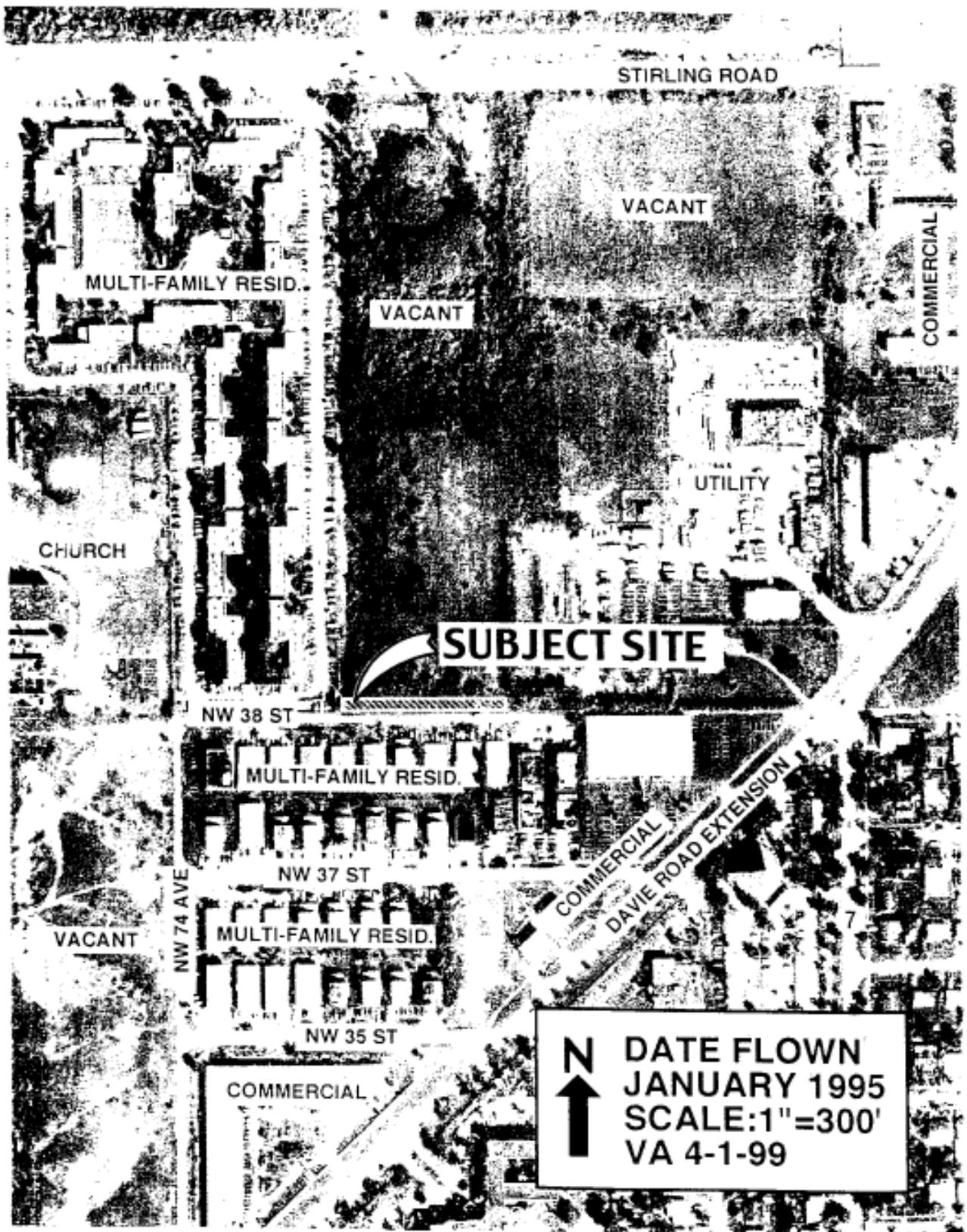
N.W. 35th St.

San Carlos
Plaza
(88-15)

B-2

Parcel "A"

PETITION NUMBER	N
VA 4-1-99	4
PREPARED 4/15/99	Scale: 1" = 200'
BY THE PLANNING & ZONING DIVISION	



STIRLING ROAD

VACANT

MULTI-FAMILY RESID.

VACANT

COMMERCIAL

CHURCH

UTILITY

SUBJECT SITE

NW 38 ST

MULTI-FAMILY RESID.

NW 37 ST

MULTI-FAMILY RESID.

VACANT

NW 74 AVE

NW 35 ST

COMMERCIAL



DATE FLOWN
JANUARY 1995
SCALE: 1"=300'
VA 4-1-99