



Town Council Agenda Report

SUBJECT: Vacation/Abandonment

Application No., Project Name and Location: VA 8-2-00, Oakes Road Right-of-Way Vacation, Generally located between State Road 7 and SW 46 Avenue, extending from State Road 7 approximately 183 feet west.

CONTACT PERSON/NUMBER

Mark Kutney, AICP (797-1101)

TITLE OF AGENDA ITEM:

Oakes Road Right-of-Way Vacation

REPORT IN BRIEF:

The petitioner is requesting to vacate a portion of road right-of-way formerly known as Oakes Road between State Road 7 and SW 46 Avenue, extending from State Road 7 approximately 183 feet west.

This request eliminates the north side of the former Oakes Road right-of-way adjacent to Parcel "A" of the "Y.A.F. Plat". The right-of-way is not needed to provide access to the adjoining parcel, as the road has been relocated further south. Road right-of-way will revert to the adjacent property owner and will provide additional open space and/or paved areas. Staff has received only one objection letter, from the Davie Utilities Department. The objection will be mitigated via a grant of easement for the utility lines. Staff therefore finds this request to be consistent with the public welfare.

PREVIOUS ACTIONS:

None

CONCURRENCES: Applicable utilities have submitted letters of no objection with the exception of Town of Davie Utilities Department, which requires granting of a utility easement.

Engineering Division recommends approval.

The Planning and Zoning Board recommended approval (motion carried: 5-0, October 11, 2000).

RECOMMENDATION(S): Motion to approve.

Attachment(s): Planning Report, Justification Letter, Sketch and Description, Plat, Land Use, Subject Site, and Aerial.

Application #: VA 8-2-00

Revisions:

Exhibit "A"

Original Report Date: September 18, 2000

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner

Name: Dixie Southland Corp.

Address: 810 NE 20 Avenue

City: Fort Lauderdale, FL 33304

Phone: (954) 768-0274

Agent

Name: Pillar Consultants, Inc.

Address: 5400 South University Drive
Suite 101

City: Davie, FL 33328

Phone: (954) 680-6533

BACKGROUND INFORMATION

Application Request: To vacate a portion of right-of-way known as Oakes Road adjacent to the subdivision platted as "Y.A.F." as recorded in Plat Book 125, Page 26, of the Broward County Records.

Address/Location: Oakes Road (old alignment) adjacent to State Road 7

Land Use Designation: Industrial

Existing Zoning: M-3 County (Intense Manufacturing and Industrial District), B-3 County (Intense Commercial Business District)

Existing Use: Vacant

Proposed Use: Road right-of-way will revert to adjacent property owners.

Parcel Size: .201 acres (8772 square feet)

Surrounding Land Use:

North: Vacant Land

South: Retention Area/Adler Flexspace

East: State Road 7 Right-of-Way

West: Davie Industries Inc.

Surrounding Zoning:

North: M-3 County (Intense Manufacturing and Industrial District), B-3 County (Intense Commercial Business District)

South: M-3 Hacienda Village (General Industrial District)

East: B-3 County (Intense Commercial Business District)

West: M-3 Hacienda Village (General Industrial District) and M-3 County (Intense Manufacturing and Industrial District)

ZONING HISTORY

Related Zoning History: None

Previous Request on same property: None

Summary of Significant Development Review Agency Comments

The Engineering Department recommended approval of the subject request. Staff received letters of no objection from any utilities except Davie Utilities Department which requires a grant of easement for the utility lines located within the subject area. The easement will be recorded subsequent to the right-of-way vacation by the Town.

Application Codes and Ordinances

Land Development Code Section 12-310(B)(1) requires that Town Council must review and approve vacations and abandonments by Ordinance.

Comprehensive Plan Considerations

Planning Area: This request is in Planning Area 6 which includes the lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 together with lands located north of the south Town limits. There are small commercial parcels along State Road 7 corridor. The majority of this planning area is industrially zoned and land used plan designated.

Flexibility Zone: The proposed plat is in Flexibility Zone 58.

Concurrency Considerations: None

Applicable Goals, Objectives & Policies: None

Staff Analysis

The applicant is requesting approval to vacate a portion of Oakes Road road right-of-way south of Parcel "A" of the "Y.A.F. Plat". This right-of-way is not needed to provide access to adjoining properties, as they obtain access from an access road connecting to Oakes Road west of the subject site. Road right-of-way will revert to adjacent property owners and will provide additional open space and/or paved areas.

Findings of Fact

Section 12-310(A)(1)(a)&(b) requires that review of vacation of right-of-way requests be based upon whether or not the request adversely affects access to neighboring properties and whether it will be in conflict with the public interest. Based upon this code requirement, staff finds that this request does not adversely affect adjoining properties as access is provided from an access road or Oakes Road, and will not be contrary to the public interest.

Staff Recommendation

Recommendation: Based upon the above and the findings of fact in the positive, staff recommends approval of application number VA 8-2-00.

Planning and Zoning Board Recommendation

The Planning and Zoning Board motion to recommend approval (5-0, Motion By: Mr. Stahl, Seconded By: Mrs. Moore) October 11, 2000 meeting.

Exhibits

Ordinance (To be provided after Merits hearing), Planning Report, Justification Letter, Sketch and Description, Plats, Land Use Map, Subject Site Map, and Aerial.

Prepared By: _____

Reviewed By: _____

PILLAR

CONSULTANTS
INC.

LETTER OF JUSTIFICATION

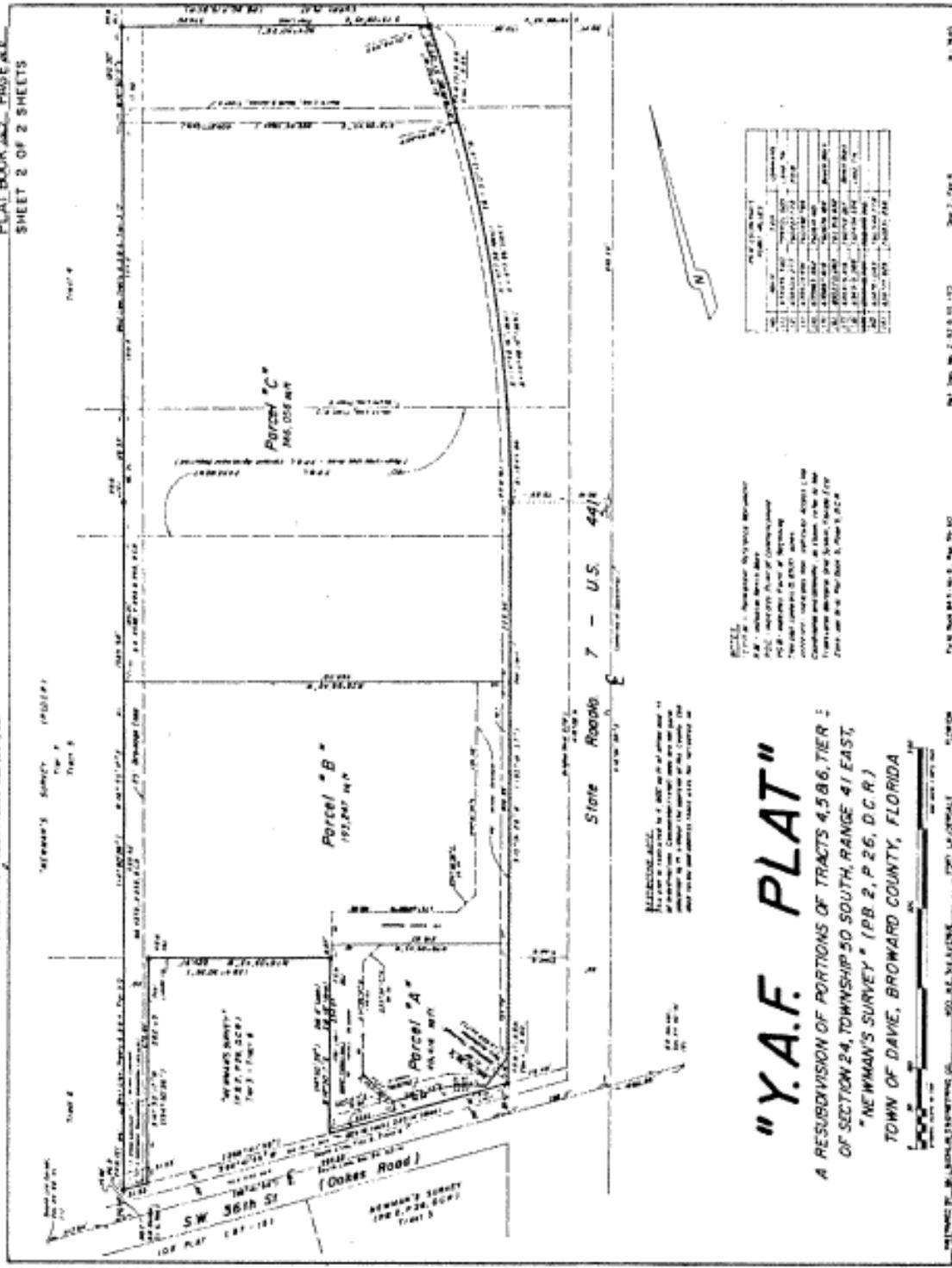
The application is for the vacation of road Right-Of-Way known as "Old Oaks Road" between the Oaks Road realignment & US Highway 441 (State Road No. 7) and South of the "Y. A. F. Plat" (PB 125, PG 26, BCR) lying in Section 24-50-41 Town of Davie, Florida.

The Right-Of-Way is currently unimproved & virtually unused.
All adjacent property owners have alternate legal and physical access.

Letters of no objection have been received from all utility companies concerned and as requested an easement will be granted to the Town of Davie Water and Sewer Department, for their existing underground services.

Design/Build • General Contracting • Construction Management
Consulting Engineers • Planners • Surveyors
5400 SOUTH UNIVERSITY DRIVE, SUITE 101 • DAVIE, FLORIDA 33328 • OFFICE 954-680-6533 • FAX 954-680-0323

REPRODUCED FROM THE ORIGINAL SURVEY MAPS AND RECORDS OF THE BUREAU OF LAND MANAGEMENT, U.S. GEOLOGICAL SURVEY. FOR MORE INFORMATION PLEASE CALL (866) 837-3247.



NO.	ACRES	PERCENT	AREA	PERCENT
1	10.00	1.00	10.00	1.00
2	193.84	19.38	193.84	19.38
3	166.05	16.60	166.05	16.60
4	10.00	1.00	10.00	1.00
5	193.84	19.38	193.84	19.38
6	166.05	16.60	166.05	16.60
7	10.00	1.00	10.00	1.00
8	193.84	19.38	193.84	19.38
9	166.05	16.60	166.05	16.60
10	10.00	1.00	10.00	1.00
11	193.84	19.38	193.84	19.38
12	166.05	16.60	166.05	16.60
13	10.00	1.00	10.00	1.00
14	193.84	19.38	193.84	19.38
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95	193.84	19.38	193.84	19.38
96	166.05	16.60	166.05	16.60
97	10.00	1.00	10.00	1.00
98	193.84	19.38	193.84	19.38
99	166.05	16.60	166.05	16.60
100	10.00	1.00	10.00	1.00

NOTE: The above survey was made by the U.S. Geological Survey, and is published as a public domain document. It is not to be construed as a warranty of accuracy or as a guarantee of title. The U.S. Geological Survey is not responsible for any errors or omissions in this survey.

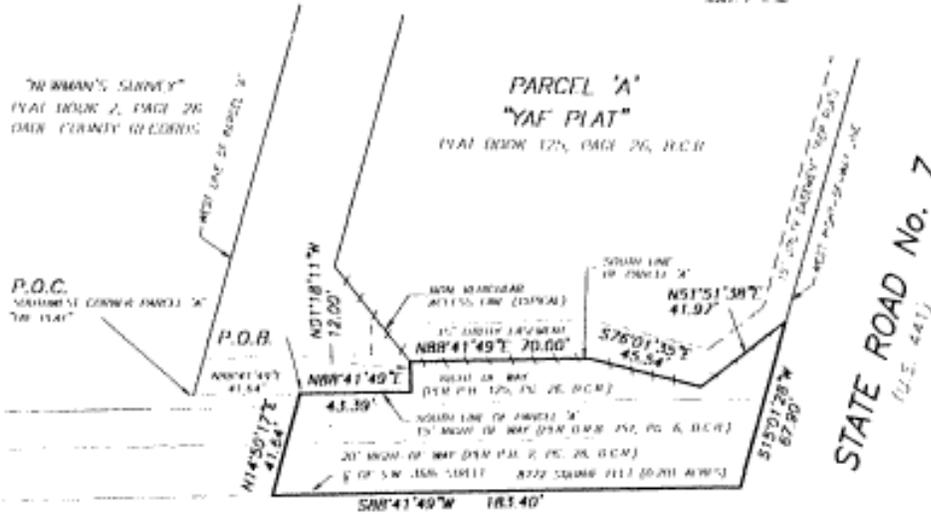
"Y.A.F. PLAT"

A RESUBDIVISION OF PORTIONS OF TRACTS 4, 5, 6, TIER 1
OF SECTION 24, TOWNSHIP 50 SOUTH, RANGE 41 EAST,
"NEWMAN'S SURVEY" (P.B. 2, P. 26, D.C.R.)
TOWN OF DAVIE, BROWARD COUNTY, FLORIDA



SKETCH & DESCRIPTION

A PORTION OF THE HIGH-OF-WAY "YAF PLAT",
PLAT BOOK 124, PAGE 26, D.C.H. AND A PORTION OF
"WHELAN'S SURVEY" PLAT BOOK 2, PAGE 26, DADY COUNTY RECORDS
TOWN OF DAVE, BROWARD COUNTY, FLORIDA



S.W. 36th STREET (OAKES RD.)

LEGEND:

- § WHelan's CONVEYANCE
- D.C.H. WHelan's DADY COUNTY RECORDS
- D.C.H. WHelan's BROWARD COUNTY RECORDS
- PLC WHelan's PLAT
- D.P.W. WHelan's DEED BY PUBLIC WITNESS
- P.H. WHelan's PLAT HOME
- H.W. WHelan's HIGH-OF-WAY
- P.O.C. WHelan's POINT OF COMMENCEMENT
- P.O.B. WHelan's POINT OF BEGINNING

LAND DESCRIPTION:

A PORTION OF THE HIGH-OF-WAY AS SHOWN ON THE "YAF PLAT", ACCORDING TO THE PLAT DATED AS RECORDED IN PLAT BOOK 124, PAGE 26, OF THE PUBLIC RECORDS OF BROWARD COUNTY, AND A PORTION OF "WHELAN'S SURVEY", ACCORDING TO THE PLAT DATED AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF DADY COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF PARCEL 'A', OF SAID "YAF PLAT", BEING NORTH 80°47'49" EAST, ALONG THE SOUTH LINE OF PARCEL 'A' OF SAID "YAF PLAT", 47.68 FEET TO THE POINT OF BEGINNING, (THE EXISTING TIE CORNER) BEING THE SOUTH END OF SAID PARCEL 'A') BEING NORTH 80°47'49" EAST 43.39 FEET, BEING NORTH 01°10'11" WEST 12.00 FEET, BEING NORTH 80°47'49" EAST 20.00 FEET, BEING NORTH 80°47'49" EAST 45.54 FEET, BEING NORTH 80°47'49" WEST 12.00 FEET, BEING NORTH 80°47'49" WEST ALONG A LINE BEING THE EXTENSION OF THE EAST LINE OF SAID PARCEL 'A' A DISTANCE OF 67.00 FEET, BEING SOUTH 80°47'49" WEST ALONG THE CENTERLINE OF S.W. 36th STREET (OAKES ROAD), 183.40 FEET, BEING NORTH 81°18'11" EAST ALONG A LINE BEING THE EXTENSION OF THE EAST LINE OF SAID PARCEL 'A' AS SHOWN ON SAID "YAF PLAT", 47.68 FEET TO THE POINT OF BEGINNING.

SAID LANDS BEING, LYING, AND BEING IN THE TOWN OF DAVE, BROWARD COUNTY, FLORIDA, CONTAINING 0.772 SQUARE FEET (0.021 ACRES), MORE OR LESS.

SURVEYOR'S NOTES:

1. NOT BEING SUBJECT TO EASEMENTS AND THE EXISTING EASEMENT STATE OF A FUTURE EASEMENT SURVEY AND MONITOR.
2. LANDS SHOWN HEREIN HAVE NOT ADJUSTED FOR RIGHTS OF WAY, EASEMENTS, ENCUMBRANCES, OR OTHER INSTRUMENTS OF RECORD TO ANY OTHER SURVEYING DATE.
3. CHANGES SHOWN HEREIN ARE BASED ON "YAF PLAT" AS RECORDED IN PLAT BOOK 124, PAGE 26 OF THE PUBLIC RECORDS OF BROWARD COUNTY.
4. THIS IS NOT A LAND SURVEY.

SURVEYOR'S CERTIFICATE:

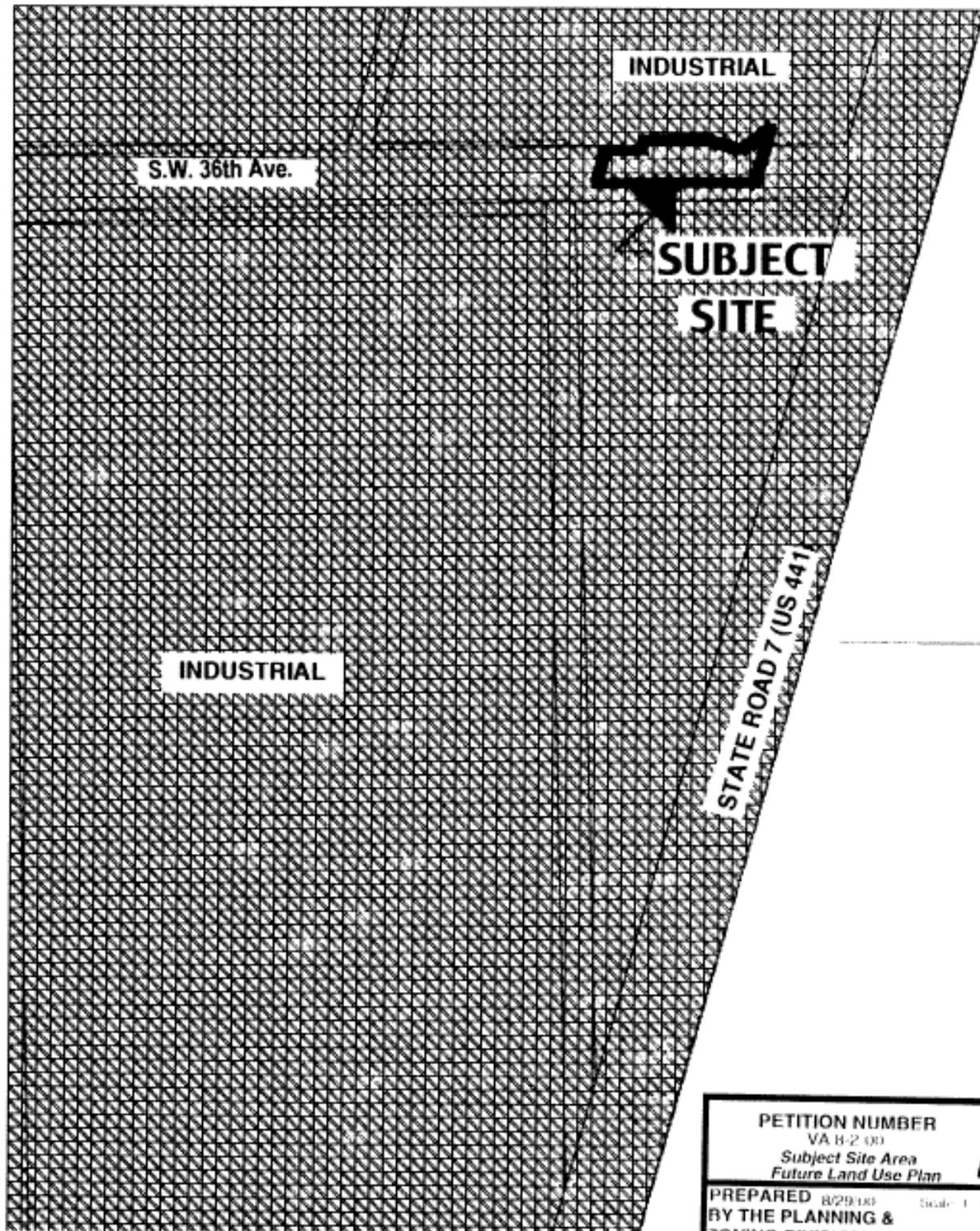
I HEREBY CERTIFY THAT THIS "SKETCH & DESCRIPTION" IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, FURTHER CERTIFY THAT THIS IS A SURVEYING MAP AS PROVIDED BY THE FLORIDA STATUTES AS SET FORTH IN THE FLORIDA STATUTES ON PROFESSIONAL SURVEYING AND MEASUREMENT ACT, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 402.022, FLORIDA STATUTES.

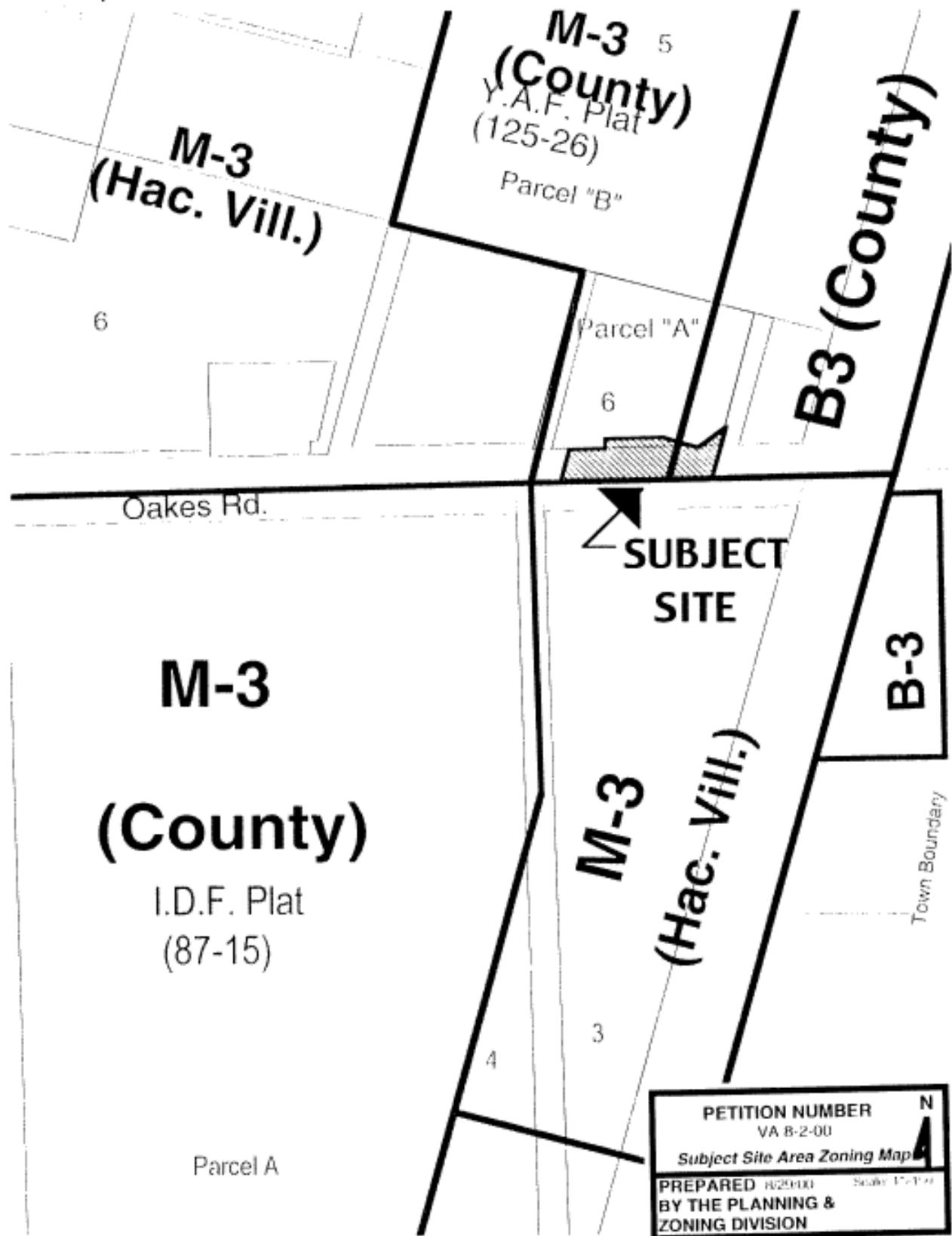
DATE: 8-7-00 BY: Mitchell R. Mullany
 MITCHELL R. MULLANY
 PROFESSIONAL SURVEYOR & MEASURER
 FLORIDA REGISTRATION NO. 4894
 LICENSE NO. 98347

ABSOLUTE SURVEYING INC.
 LAND SURVEYING
 1500 N.W. 21st OAKLAND PARK BLVD
 SUITE 202
 OAKLAND PARK, FL 33411
 (954) 444-2111
 LICENSED PROFESSIONAL SURVEYOR

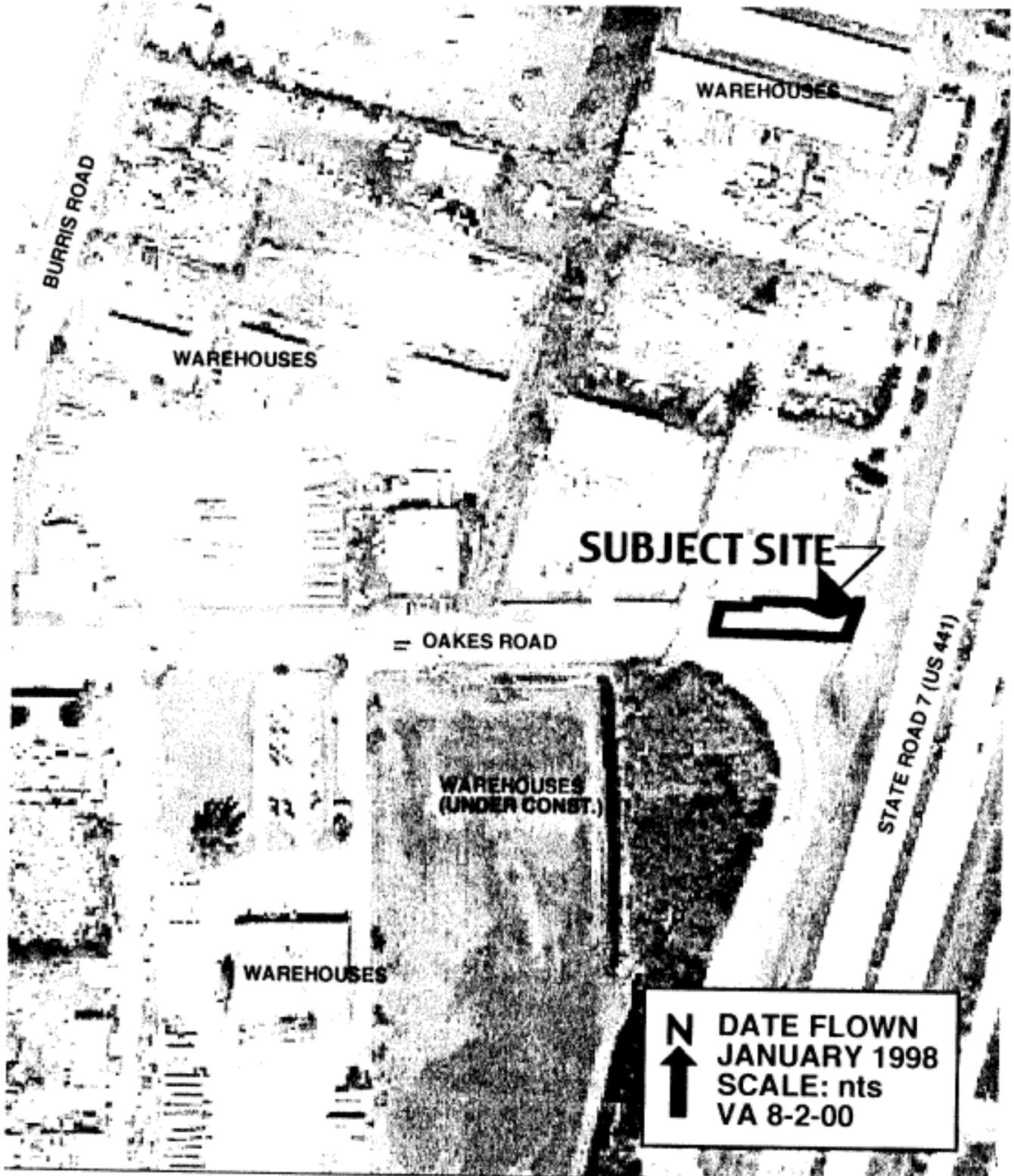


DESCRIPTION	DATE	BY	CHKD
ADDED WEST LINE	08/07/00	MM	MM
ADDED AREA	08/07/00	MM	MM





PETITION NUMBER
 VA B-2-00
 Subject Site Area Zoning Map
 PREPARED 8/25/00 Scale: 1"=100'
 BY THE PLANNING & ZONING DIVISION



N
↑
DATE FLOWN
JANUARY 1998
SCALE: nts
VA 8-2-00