Town Council Agenda Report

SUBJECT: Vacation/Abandonment

Application No., Project Name and Location: VA 8-1-00, Davie Road Extension Right-of-Way Vacation, Generally located between Stirling Road and NW 38 Street, extending from Davie Road Extension approximately 81 feet north.

CONTACT PERSON/NUMBER

Mark Kutney, AICP (797-1101)

TITLE OF AGENDA ITEM:

A.J. Bendle Subdivision Right-of-Way Vacation

REPORT IN BRIEF:

The Town is requesting to vacate a portion of un-named road right-of-way located between Stirling Road and NW 38 Street, extending from Davie Road Extension approximately 81 feet north.

The subject right-of-way is a remnant of the "A.J. Bendle Subdivision" recorded in 1910. The right-of-way is not needed to provide access to adjoining parcels, as both adjacent parcels are owned by Florida Power and Light, and have existing access openings to Davie Road Extension. The 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 by a grant of easement for the utilities. 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 map, Subject Site map, and Aerial.

Item No.

Application #: VA 8-1-00 **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 / **Agent**
Name: Florida Power & Light Company

Address: P.O. Box 8248

City: Fort Lauderdale, FL 33340

Phone: (954) 581-3045

BACKGROUND INFORMATION

Application Request: To vacate a portion of right-of-way dedicated by the subdivision platted as "A.J. Bendle Subdivision" as recorded in Plat Book 1, Page 27, of the Dade County Records.

Address/Location: Davie Road Extension, Generally located between Stirling Road and NW 38 Street, extending from Davie Road Extension approximately 81 feet north.

Land Use Designation: Industrial

Existing Zoning: U, Utility District and M-1, Light Industrial District

Existing Use: Vacant

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

Parcel Size: .025 acres (1,080 square feet)

Surrounding Land Use:

Item No.

North: FPL - Gulfstream Service Center

South: Davie Road Extension right-of-way / City of Hollywood

East: Vacant Land / City Of Hollywood

West: FPL - Gulfstream Center

Surrounding Zoning:

North: U, Utilities District

South: Davie Road Extension / City of Hollywood

East: B-2, Community Business District

West: M-1, Light 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 all utilities except Davie Utilities Department which requires a grant of easement for the water lines located within the subject right-of-way. 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 11 which boundaries include Griffin Road to the north, Davie Road Extension to the southeast, and University Drive to the west. The area is characterized by multi-family development on the south side of Stirling Road, ranging from 8 to 16 dwelling units per acre. There are two single-family residential subdivisions, developed at 5 dwelling units per acre. Housing in this area is generally in stable to marginal condition. Small commercial developments line Davie Road Extension. Florida Department of Transportation (FDOT) is in the design stage of widening Davie Road Extension.

Flexibility Zone: The proposed request is in Flexibility Zone 102.

Concurrency Considerations: None

Applicable Goals, Objectives & Policies: None

Staff Analysis

The Town is requesting to vacate a portion of un-named road right-of-way located between Stirling Road and NW 38 Street, extending from Davie Road Extension approximately 81 feet north. The right-of-way is not needed to provide access to adjoining parcels, as both parcels are owned by Florida Power and Light and there is existing access to such parcels onto Davie Road Extension. Road right-of-way will revert to Florida Power and Light Co. 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 to Davie Road Extension already exists, and that the vacation 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 8-1-00.

Planning and Zoning Board Recommendation

The Planning and Zoning Board motion to recommend approval (5-0, Motion By: Mr. Davenport, 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: _____

FPL

P.O. Box 8248, Ft. Lauderdale, FL 33340-8248
(954) 581-3045

September 18, 2000

Ms. Geri A. Baluss
Planning Aide
Development Services Department
Planning & Zoning Division
Town of Davie
6591 Orange Drive
Davie, Florida 33314-3399

RE: Letter of Justification for Vacation of Platted Road Right-of-Way
Petition # VA8-1-00

Dear Ms. Baluss:

Florida Power & Light Company is in the process of expanding and improving access to its Gulfstream Service Center property located at 4000 Davie Road Extension in Davie, Florida.

In order to provide FP&L's service vehicles a safer and more efficient access point to the property, it is necessary to vacate that portion of the platted right-of-way established by the A.J. Bendles plat. This small portion of road right-of-way is a stranded sliver established by a very old plat and will not be utilized in the future due to the alignment of Davie Road Extension in a northeast to southwest direction at this location.

The area will be paved and/or sodded and FP&L will provide a blanket utility easement over the area to preserve the existing water/sewer facilities located within. There are no other utilities within the area to be vacated.

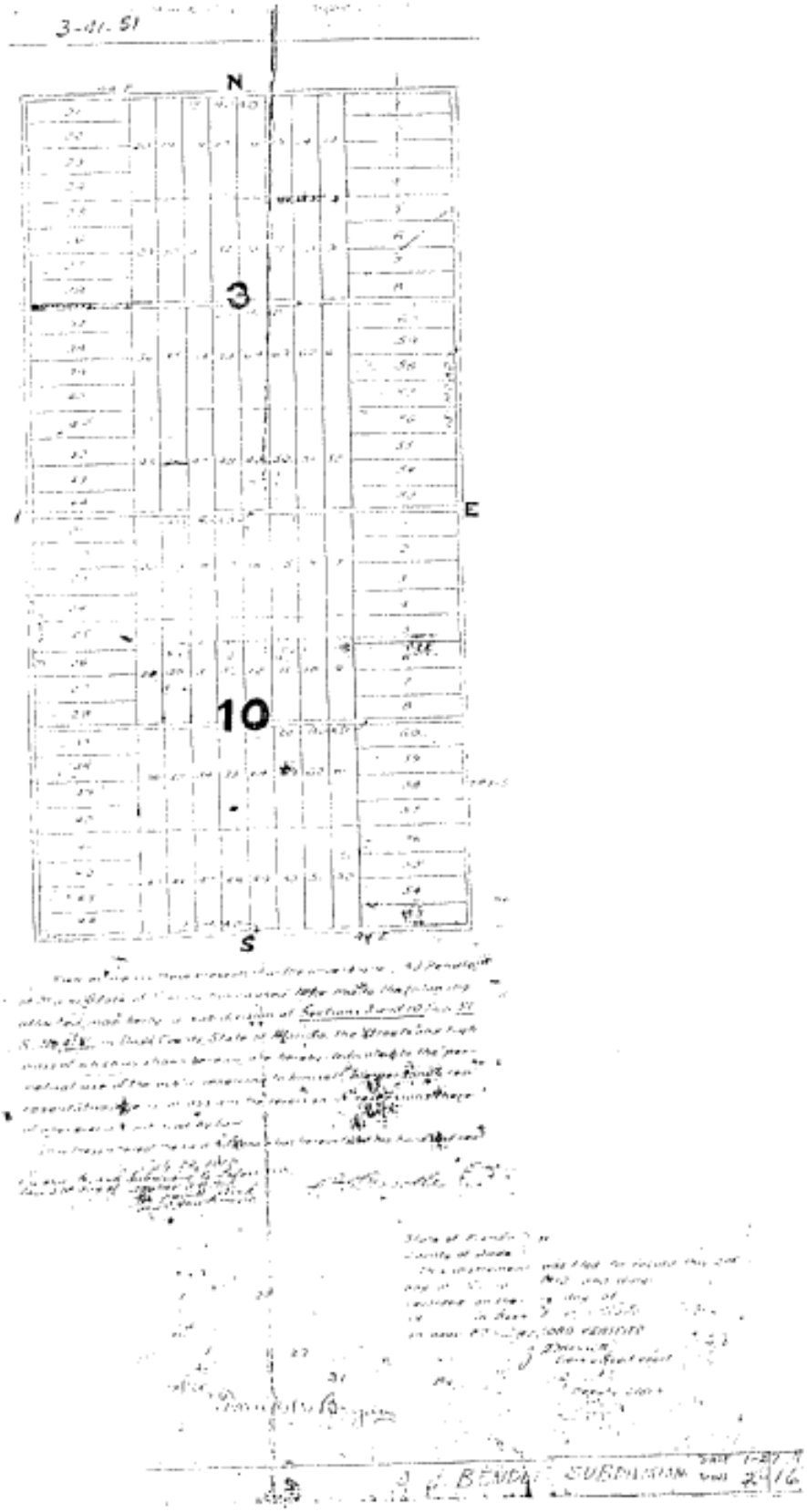
Based on the above information, FP&L hereby requests that the area in question be vacated for usage as improved access to the service center property.

Thank you for your consideration in this matter.

Sincerely

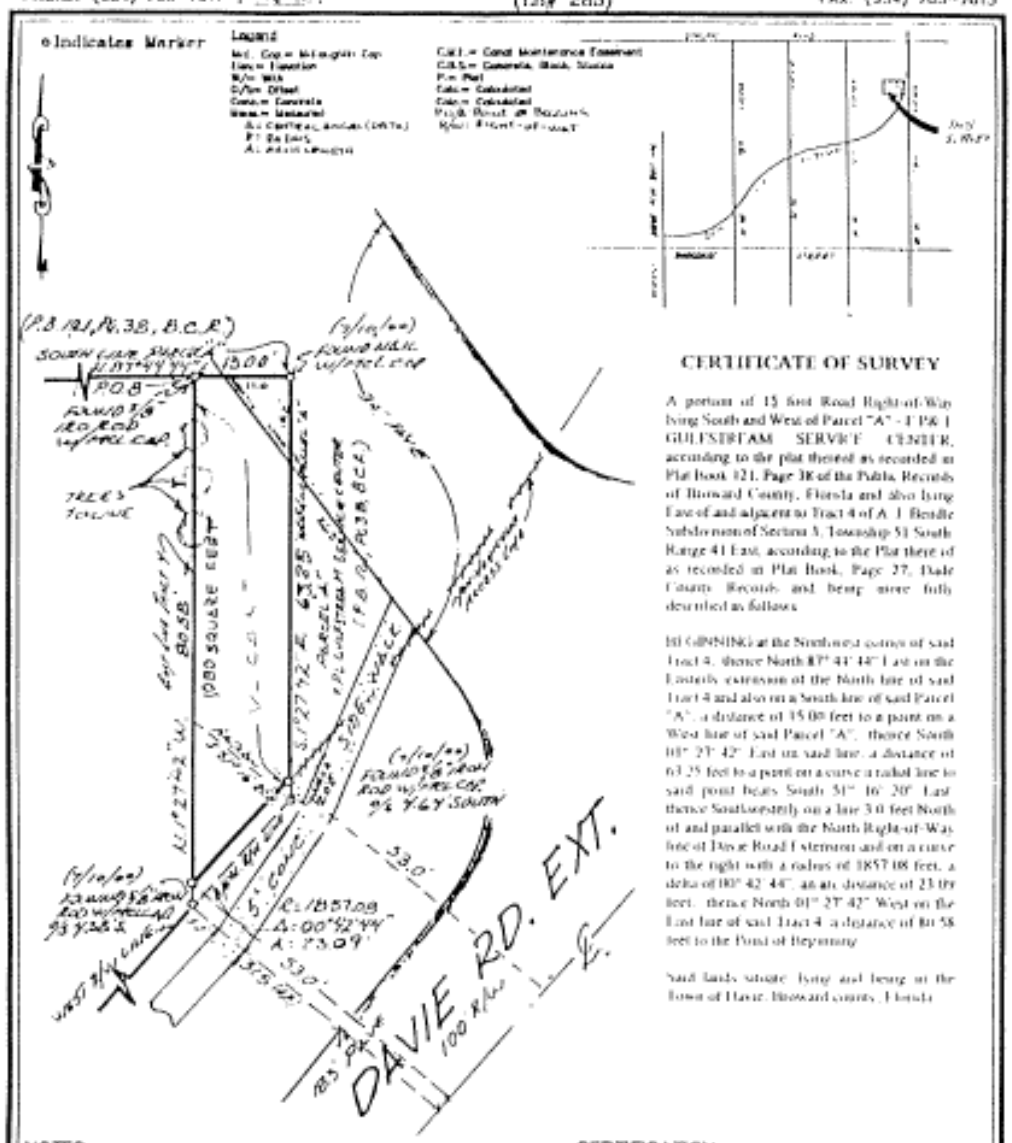
E. Jean Salem
Corporate Real Estate Representative

Item No.



Item No.

McLAUGHLIN ENGINEERING COMPANY
400 NORTHEAST 3rd AVENUE
FORT LAUDERDALE, FLORIDA, 33301
ENGINEERS - SURVEYORS
(LB# 285)
PHONE: (954) 763-7611 FAX: (954) 763-7615



CERTIFICATE OF SURVEY

A portion of 15 foot Road Right-of-Way lying South and West of Parcel "A" - PARK GULFSTREAM SERVICE CENTER, according to the plat thereof as recorded in Plat Book 121, Page 38 of the Public Records of Broward County, Florida and also lying East of and adjacent to Tract 4 of A. J. Beadle Subdivision of Section 3, Township 51 South Range 41 East, according to the Plat thereof as recorded in Plat Book, Page 27, Dade County Records, and being more fully described as follows:

BEGINNING at the Northwest corner of said Tract 4, thence North 87° 44' 44" East on the Easterly extension of the North line of said Tract 4 and also on a South line of said Parcel "A", a distance of 15.00 feet to a point on a West line of said Parcel "A", thence South 01° 27' 42" East on said line, a distance of 63.25 feet to a point on a curve a radial line to said point bears South 51° 16' 20" East, thence Southwesterly on a line 3.0 feet North of and parallel with the North Right-of-Way line of Davie Road Extension and on a curve to the right with a radius of 1857.08 feet, a delta of 00° 42' 44", an arc distance of 23.09 feet, thence North 01° 27' 42" West on the East line of said Tract 4, a distance of 80.58 feet to the Point of Beginning.

Said lands situate, lying and being in the Town of Davie, Broward County, Florida.

NOTES:

1. Elevation shown refer to National Geodetic Vertical Datum (1929), and are indicated thus: $\underset{\varnothing}{\square}$
2. Reference Bench Mark: MIAMI-DADE COUNTY ENGINEERING DEPT. BENCH MARK NO. 10T4 ELEV.: 2.067
3. Legal Description provided by client and does not infer title or ownership.
4. Underground improvements, if any, not located.
5. This survey reflects all easements and rights-of-way, as shown on above referenced recorded plat. The subject property was not abstracted for other easements, road reservations or rights-of-way of record by McLaughlin Engineering Co.
6. This property lies Flood Zone "AH", Base Elev.=5.0', per Flood Insurance Rate Map No. 12011C0304 F, Community No. 120035 Dated 08/18/92, Index Map Dated 10/2/97.

CERTIFICATION:

We hereby certify that this sketch meets the minimum technical standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-6 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Dated at Fort Lauderdale, Florida, this 17th day of April, 2001.

McLAUGHLIN ENGINEERING CO.

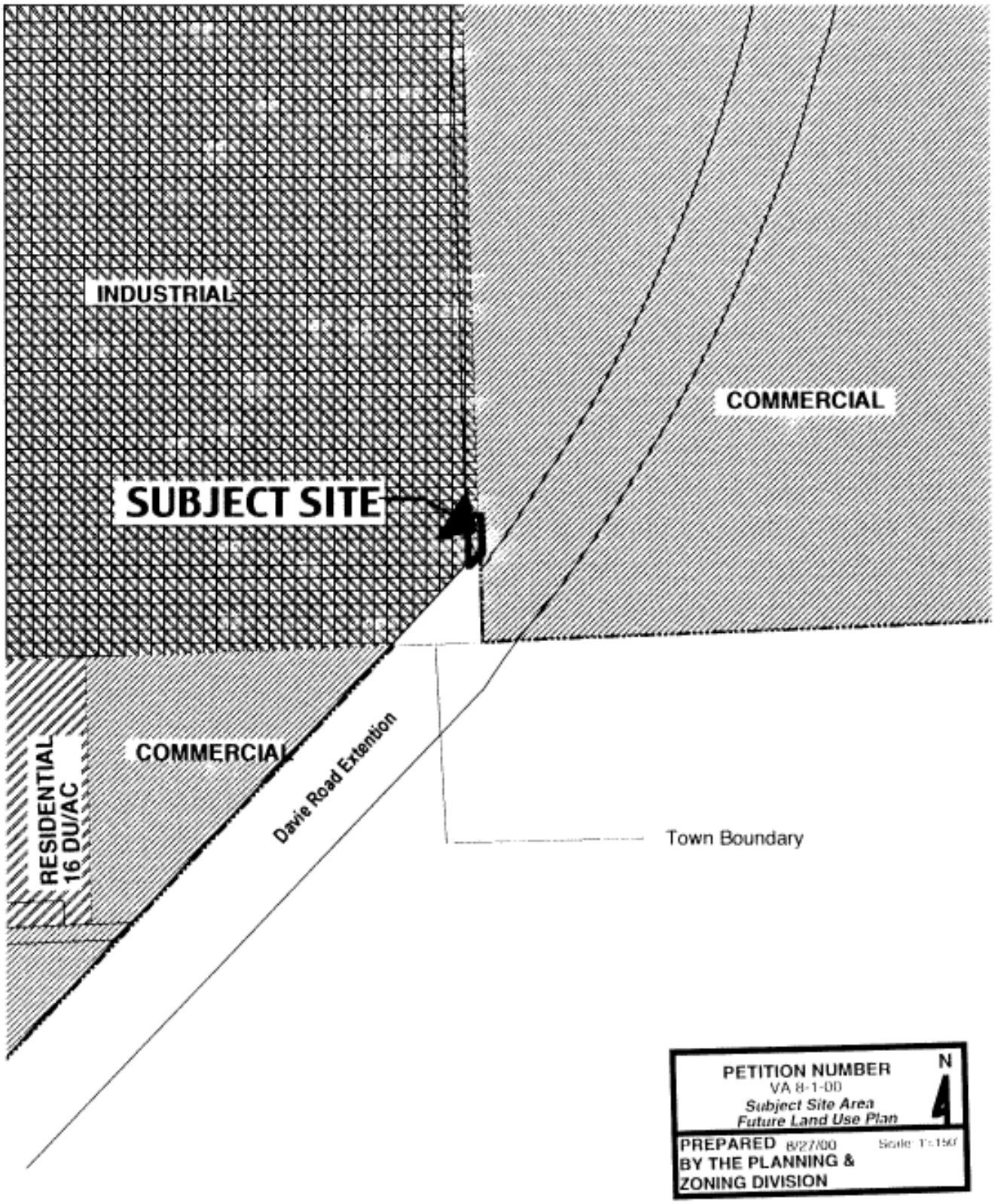
James A. McLaughlin
Registered Land Surveyor No. 5269
State of Florida

"NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL"

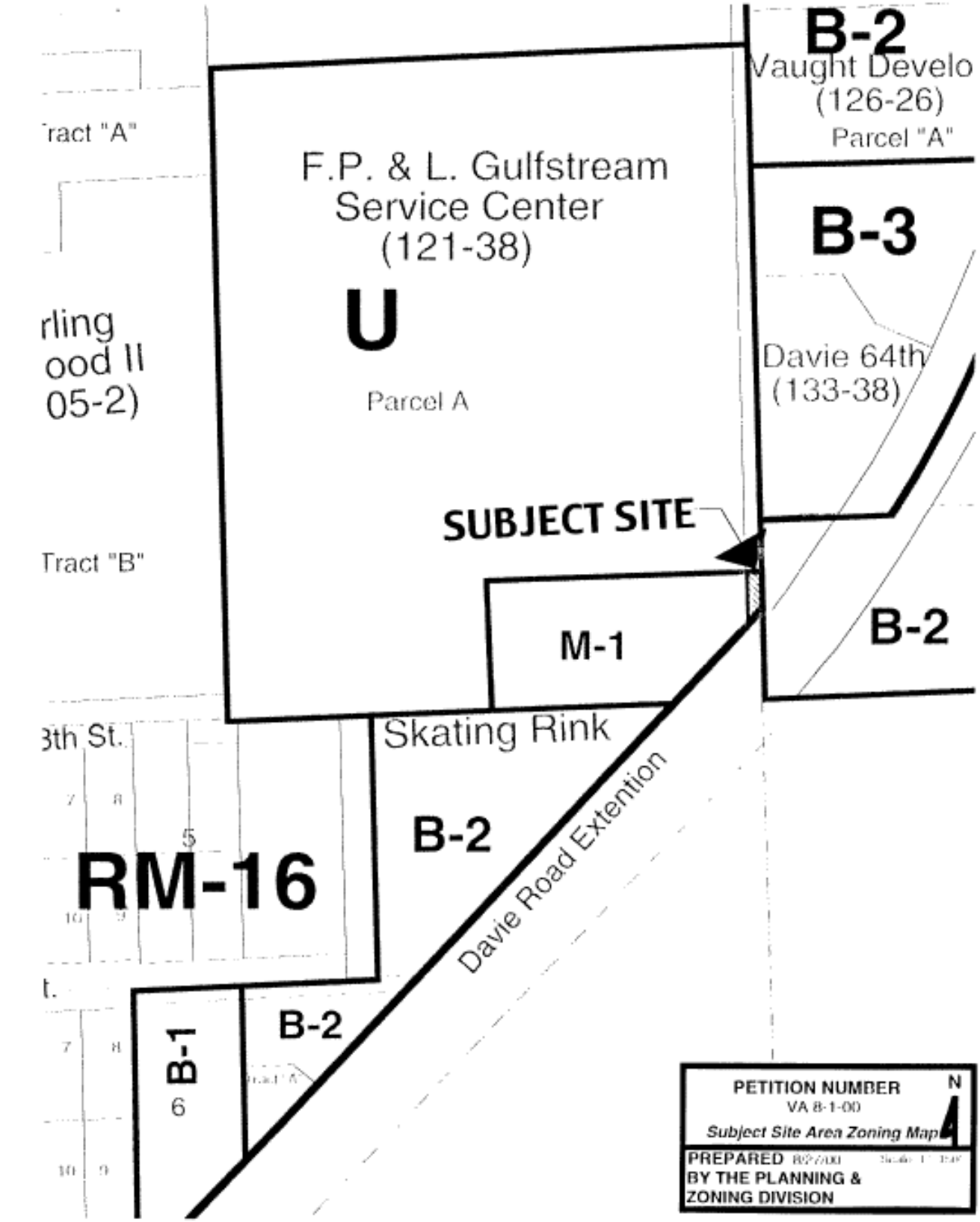
FIELD BOOK NO. LB 205-32
JOB ORDER NO. 1.3908

DRAWN BY: KP
CHECKED BY:

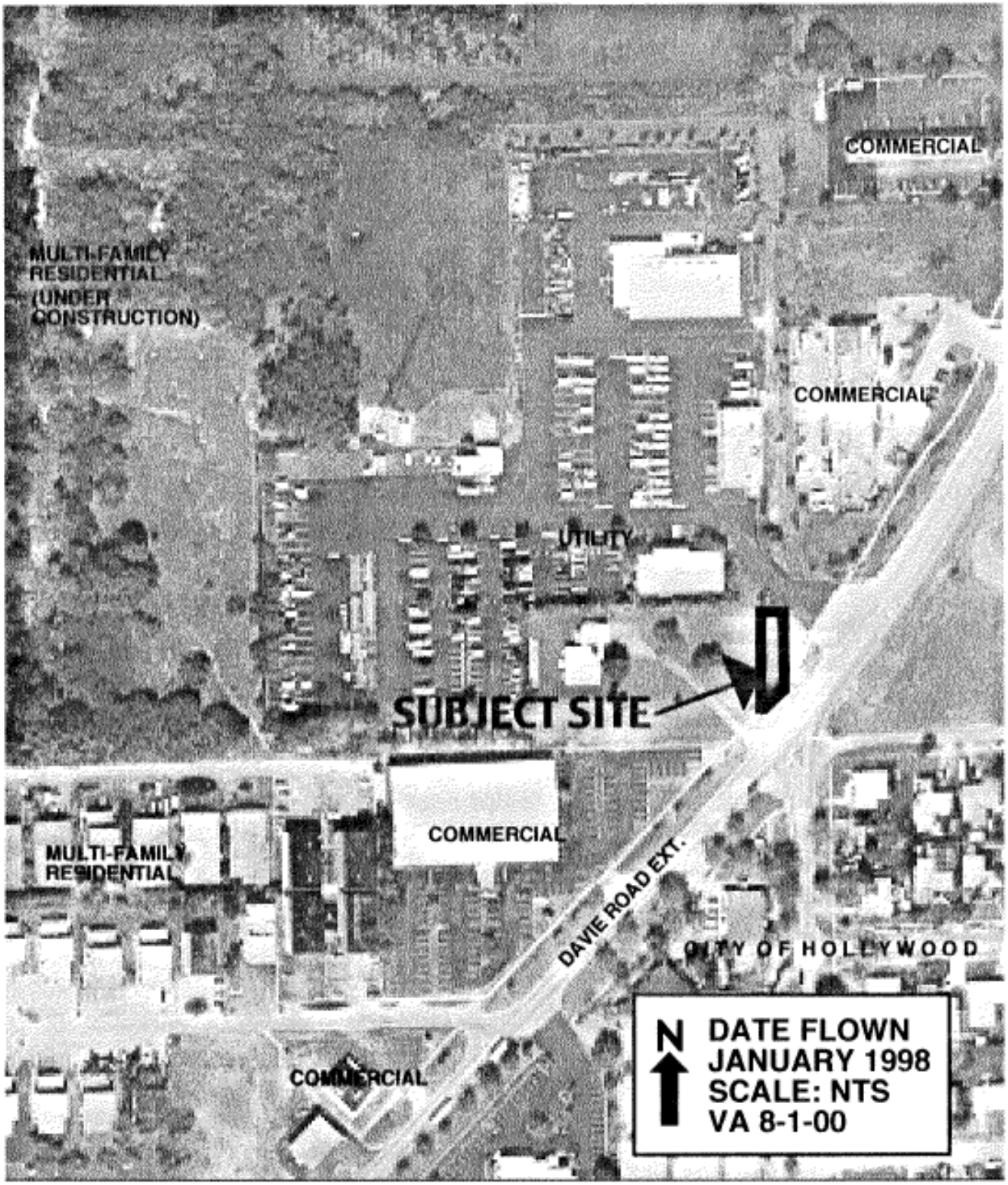
Item No.


INDUSTRIAL
COMMERCIAL
SUBJECT SITE
RESIDENTIAL
16 DU/AC
COMMERCIAL
Davie Road Extention
Town Boundary
PETITION NUMBER
VA 8-1-00
Subject Site Area
Future Land Use Plan
N
PREPARED 8/27/00
Scale 1"=150'
BY THE PLANNING &
ZONING DIVISION

Item No.


B-2
Vaught Develo
(126-26)
Parcel "A"
Tract "A"
F.P. & L. Gulfstream
Service Center
(121-38)
U
Parcel A
B-3
rling
ood II
05-2)
Davie 64th
(133-38)
SUBJECT SITE
Tract "B"
M-1
B-2
3th St.
Skating Rink
B-2
RM-16
Davie Road Extention
B-2
B-1
6
PETITION NUMBER
VA 8-1-00
Subject Site Area Zoning Map
N
PREPARED
BY THE PLANNING &
ZONING DIVISION

Item No.


COMMERCIAL
MULTI-FAMILY RESIDENTIAL (UNDER CONSTRUCTION)
COMMERCIAL
UTILITY
SUBJECT SITE
COMMERCIAL
MULTI-FAMILY RESIDENTIAL
DAVIE ROAD EXT.
CITY OF HOLLYWOOD
COMMERCIAL
N
DATE FLOWN
JANUARY 1998
SCALE: NTS
VA 8-1-00

Item No.