

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director/(954) 797-1101

**SUBJECT:** Ordinance 1st Reading/Quasi-judicial  
VA 11-1-01 Miller, Legg & Associates, Inc./Space Development, Ltd.,  
8200 North Lake Forest Drive/Generally located west of SW 36 Avenue  
between Pine Island Road and University Drive.

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 11-1-01, VACATING ROAD AND UTILITY EASEMENTS WITHIN SECTION 28, TOWNSHIP 50 SOUTH, RANGE 41 EAST AND WITHIN THE ROLLING HILLS GOLF ESTATES PLAT (157-15); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The applicant has requested the vacation of two (2) easements in association with the development known as Rolling Hills Golf Estates. The 30' road easement was accepted by the Town prior to the site plan approval when it was anticipated to be needed; subsequently it was not delineated on the recorded plat. The 12' utility easement was dedicated on the Rolling Hills Golf Estates Plat prior to site plan approval.

The requested vacations will not have any adverse affect on neighboring properties, nor will there be a conflict with the public interest. The road easement is not needed as there are no plans to extend SW 36 Street, and access for the development is provided via West Lake Estates Drive. Furthermore, the approved site plan places lots on top of the road easement.

The utility easement was dedicated via plat prior to site plan approval, and is located under land areas where homes are approved to be constructed. The proposed vacations are necessary in order to achieve consistency with the approved site plan. Staff has no objection to the request.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the January 9, 2002 Planning and Zoning Board meeting Ms. Moore made a motion, seconded by Vice-Chair Bender to approve (Motion carried 5-0).

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Motion to approve

**Attachment(s):** Ordinance, Planning report, Justification letter, Road easement, Utility easement, Land use map, Subject site map, Aerial

**Prepared By:**  
Christopher M. Gratz  
Town of Davie  
6591 Orange Drive  
Davie, FL 33314

**Return To:**  
Town Clerk's Office  
Town of Davie  
6591 Orange Drive  
Davie, FL 33314

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 11-1-01, VACATING ROAD AND UTILITY EASEMENTS WITHIN SECTION 28, TOWNSHIP 50 SOUTH, RANGE 41 EAST AND WITHIN THE ROLLING HILLS GOLF ESTATES PLAT (157-15); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a road easement located within in Section 28, Township 50 South, Range 41 East, specifically described on Exhibit "A" attached hereto, was accepted as a road easement; and

WHEREAS, a utility easement located within in the Rolling Hills Golf Estates Plat (157-15), specifically described on Exhibit "B" attached hereto, was accepted as an utility easement; and

WHEREAS, the road easement will not adversely affect access to adjoining properties and the utility easement will not be in conflict with the public interest; and

WHEREAS, on the date of adoption of this ordinance 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 a road easement located within Tract 28, in Section 33, Township 50 South, Range 41 East, specifically described on Exhibit "A" attached hereto, is hereby vacated by the Town of Davie.

SECTION 2. That a utility easement located within the Rolling Hills Golf Estates Plat (157-15), specifically described on Exhibit "B" attached hereto, is hereby vacated by the Town of Davie.

SECTION 3. 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 portions of this Ordinance.

SECTION 4. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.





**Application #: VA 11-1-01**  
**Exhibit "A"**

**Revisions:**  
**Original Report Date: 2/1/02**

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

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**APPLICANT INFORMATION**

<b>Owner:</b>		<b>Agent:</b>	
<b>Name:</b> Space Development, Ltd.		<b>Name:</b> Miller, Legg & Associates, Inc.	
<b>Address:</b> 8100 SW 36 Street		<b>Address:</b> 1800 North Douglass Road, Suite 200	
<b>City:</b> Davie, FL 33328		<b>City:</b> Pembroke Pines, FL 33024	
<b>Phone:</b> (954)475-4596		<b>Phone:</b> (954)436-7000	

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**BACKGROUND INFORMATION**

**Date of Notification:** January 2, 2002    **Number of Notifications:** 210

**Application History:** No deferrals have been requested.

**Application Request:** Vacate a 30' road easement located along the north limits and 12' utility easement located around the perimeter of Tract "A" of the Rolling Hills Golf Estates Plat (157-15).

**Address/Location:** 8200 North Lake Forest Drive/Generally located west of SW 36 Avenue between Pine Island Road and University Drive.

**Future Land Use Plan Designation:** Special Classification Residential (3 DU/AC)

**Zoning:** R-5, Low Medium Density Dwelling District

**Existing Use:** Single family residential

**Proposed Use:** Single family residential

**Parcel Size:** Road easement, 0.8 acres (35,022 square feet)  
Utility easement, 1.3 acres (57,600 square feet)

	<b><u>Surrounding Uses:</u></b>	<b><u>Surrounding Land Use Plan Designation:</u></b>
<b>North:</b>	Golf Course, Hotel	Special Classification Residential (3 DU/AC)
<b>South:</b>	Multi-family residential	Residential (5 DU/AC)
<b>East:</b>	Single family residential	Special Classification Residential (3 DU/AC)
<b>West:</b>	Multi-family residential	Residential (10 DU/AC)

**Surrounding Zoning:**

<b>North:</b>	PRD-6.3, Planned Residential District
<b>South:</b>	PRD-5, Planned Residential District
<b>East:</b>	R-5, Low Medium Density Dwelling District
<b>West:</b>	RM-5, Medium Density Dwelling District

**West:** RM-5, Medium Density Dwelling District

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### ZONING HISTORY

**Related Zoning History:** None

**Previous Request on same property:** Town Council approved Ordinance 83-45, which accepted a 30' road easement for public use, on April 20, 1983.

Town Council approved the Rolling Hills Golf Estates Plat, on December 17, 1983, which was recorded in plat book 157, page, 15 of the public records of Broward County.

The 30' canal easement pursuant to O.R. 4896, page 62 and O.R. page 611, was vacated by Town of Davie Ordinance 94-6, and was recorded in O.R. 21793, page 0361.

Right-of-way north of the north plat limits of the Rolling Hills Golf Estates Plat has been vacated pursuant to O.R. 24942, page 66 of the public records of Broward County.

Town Council approved the site plan, SP 8-4-95 Rolling Hills Plantation, on October 5, 1995. Staff notes several subsequent minor modifications which have all been approved.

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### APPLICATION DETAILS

The applicant has requested the vacation of two (2) easements in association with the development known as Rolling Hills Golf Estates. The 30' road easement was accepted by the Town prior to the site plan approval when it was anticipated to be needed; subsequently it was not delineated on the recorded plat. The 12' utility easement was dedicated on the Rolling Hills Golf Estates Plat prior to site plan approval.

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### Applicable Codes and Ordinances

Section 12-310 of the Land Development Code, review for vacations or abandonments of right-of-way.

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### Comprehensive Plan Considerations

**Planning Area:** The subject property falls within Planning Area 5. This planning area is bound by Nova Drive on the north, University Drive on the east, and Nob Hill Road on the west. This planning area is comprised of residential uses developed at a density of three to 22 dwelling units per acre and commercial development, existing and proposed, along the University Drive and Orange Drive corridors. The Pine Island Ridge, classified as environmentally sensitive, has been preserved within this planning area.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 99.

**Applicable Goals, Objectives & Policies:** Objective 15: Ensure that adequate rights-of-way are secured to accommodate the existing and future needs of the Town of Davie.

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### Staff Analysis

The requested vacations will not have any adverse affect on neighboring properties, nor

The requested vacations will not have any adverse affect on neighboring properties, nor will there be a conflict with the public interest. The road easement is not needed as there are no plans to extend SW 36 Street, and access for the development is provided via West Lake Estates Drive. Furthermore, the approved site plan places lots on top of the road easement.

The utility easement was dedicated via plat prior to site plan approval, and is located under land areas where homes are approved to be constructed. The proposed vacations are necessary in order to achieve consistency with the approved site plan. Staff has no objection to the request.

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**Findings of Fact**

**Vacations or abandonments of right-of-way:**

**Section 12-310 (A)(1):**

**The following findings of facts apply to the vacation requested:**

- (a) It will not adversely affect access to neighboring properties.
- (b) It will not be in conflict with the public interest.

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**Staff Recommendation**

**Recommendation:** Based upon the above and the finding of facts in the positive, staff recommends **approval**, of petition VA 11-1-01.

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**Planning & Zoning Board Recommendation**

At the January 9, 2002 Planning and Zoning Board meeting Ms. Moore made a motion, seconded by Vice-Chair Bender to approve (Motion carried 5-0).

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**Exhibits**

- 1. Justification letter
- 2. Road easement
- 3. Utility easement
- 4. Land use map
- 5. Subject site map
- 6. Aerial

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Justification and Project History for the Rolling Hills Golf Estate  
Road and Utility Easement Vacations

There are two easements being requested for vacation with this application:

- A 30-foot Road Easement located along the north plat limit of the Rolling Hills Golf Estates Plat. This road easement was established by Town of Davie Ordinance 83-45 in 1983 for "*public right-of-way*". This easement was not delineated on the plat drawing that was recorded in 1994 in Plat Book 157, Page 15.
- A 12-foot Utility Easement located around the perimeter of Tract "A" of the Rolling Hills Golf Estates Plat. This easement was dedicated by the plat that was recorded in 1994. The plat dedication language states the easement was "*dedicated to the perpetual use of the public for proper purposes*".

The property located in the Rolling Hills Golf Estates Plat is part of an overall residential subdivision, which has already been site planned. The layout of the lots within this subdivision do not follow the exact boundary of the plat, therefore, the two easements sought to be vacated fall over land that is planned for residential lots. Please refer to the plan that is submitted with this vacation application that shows the residential subdivision with the overlay of the plat boundary and easements sought to be vacated. The 12-foot utility easement is shown in pink highlight, and the 30-foot road easement is shown in yellow highlight.

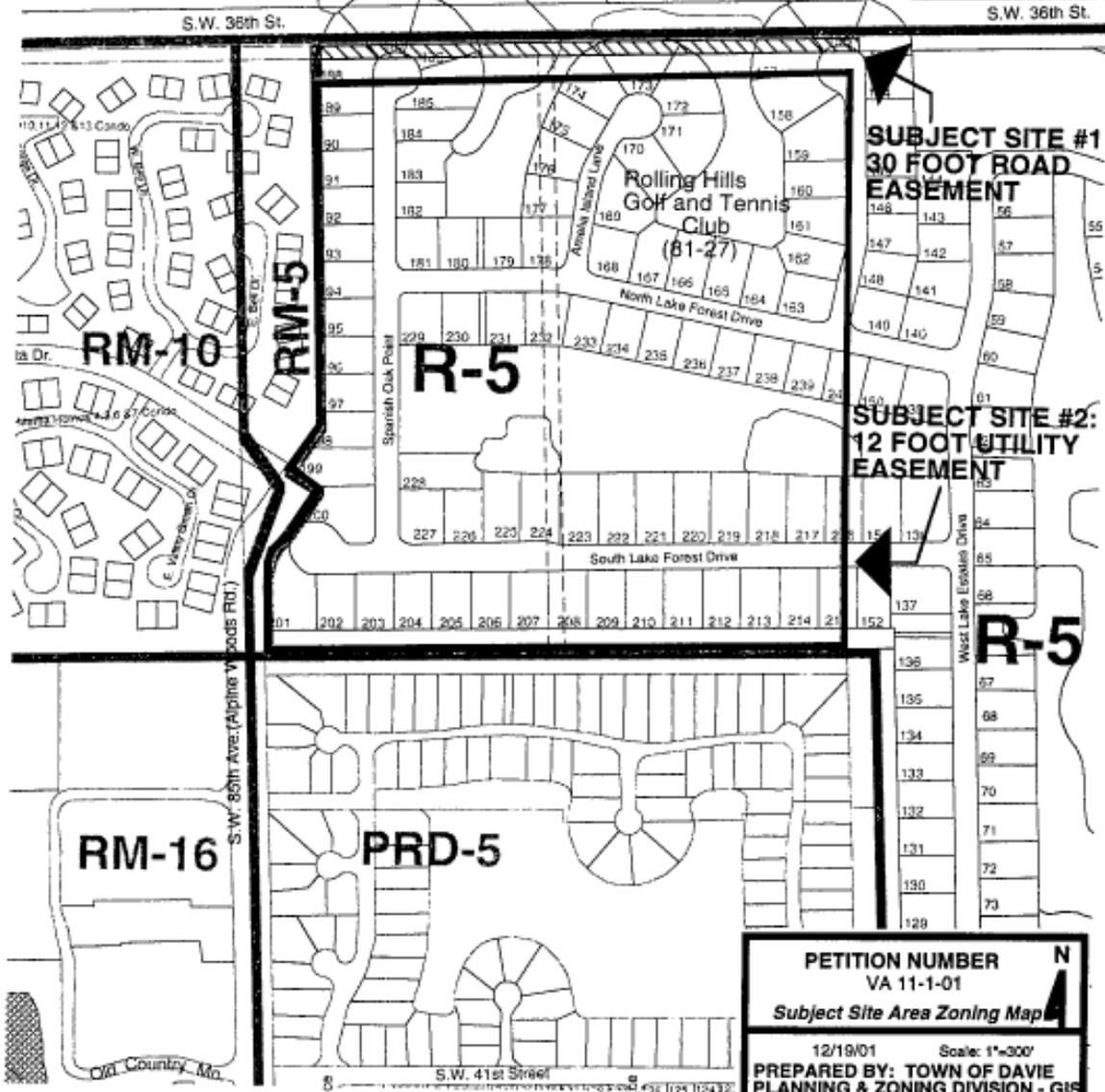
There is no longer a roadway planned for S.W. 36<sup>th</sup> Street, or an adjacent canal as it is shown on the Rolling Hills Golf Estates Plat. The portion of right-of-way that is north of the north plat limit has already been vacated per O.R. 24942, Page 66 of the public records of Broward County, Florida.

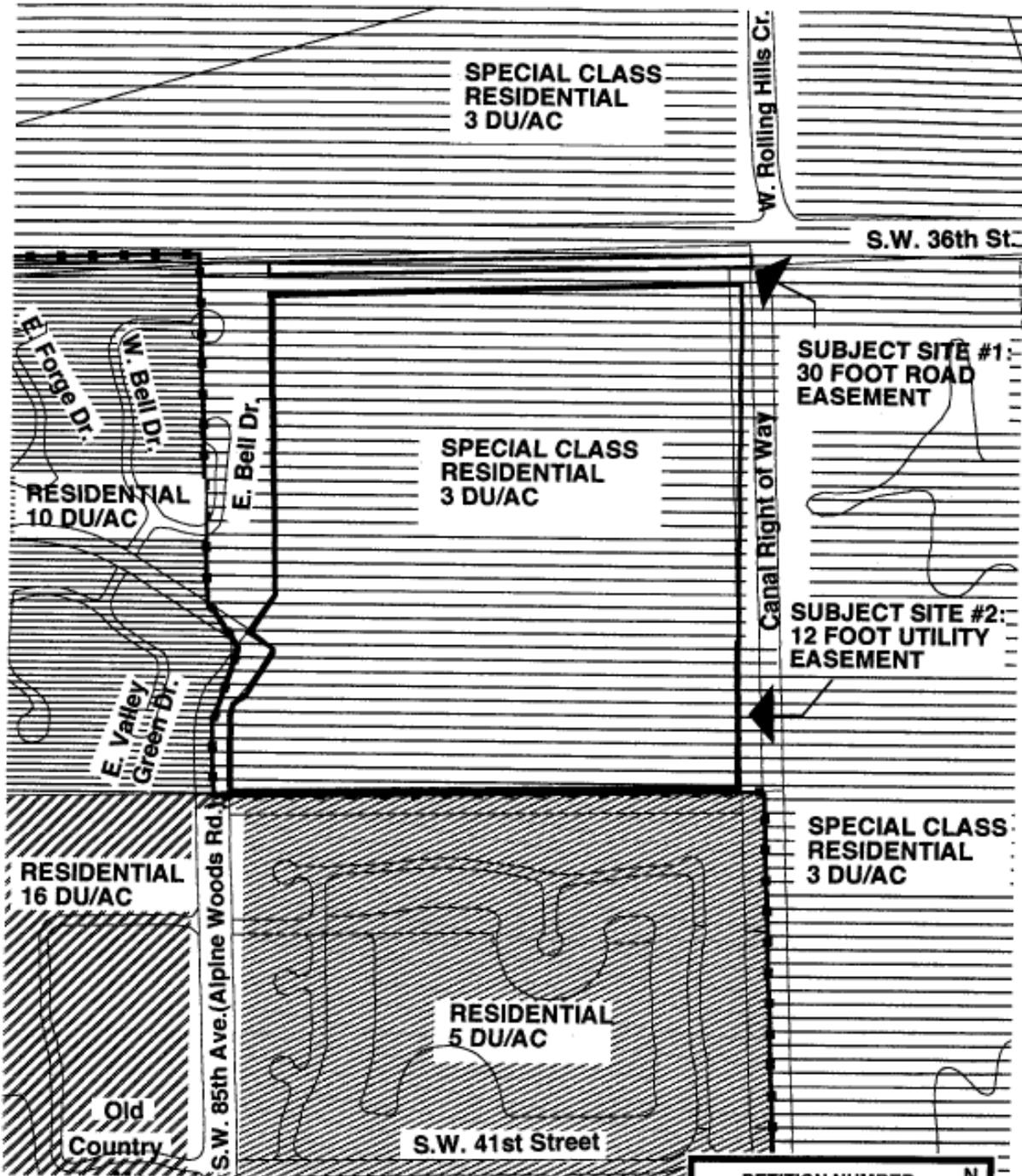
In addition, the 30-foot canal easement per O.R. 4896, Page 62 and O.R. 4982, Page 611, located in the same 30-foot area as the Road Easement, has been vacated by Town of Davie Ordinance 94-6, which has been recorded in O.R. 21793, Page 0361. It has also been Quit Claimed by the Central Broward Drainage District per O.R. 20776, Page 939. This easement will also be vacated through the Broward County vacation process. The adjacent 20-foot canal easement per O.R. 4982, Page 611 has been quit claimed by the Central Broward Drainage District.

This leaves only the 30-foot roadway easement, and the 12-foot utility easement to be vacated to allow the proposed residential homes to be built in these areas. This vacation process, to vacate the "public interest" is merely a formality to vacate the recorded easements that will fall under the proposed residential homes that have already been approved for development through the Town of Davie site plan process.

Rolling Hills  
Golf and Tennis  
Club  
(81-27)

PRD-6.3





PETITION NUMBER N  
 VA 11-1-01  
 Subject Site Area  
 Future Land Use Plan 4  
 12/19/01 Scale: 1"=300'  
 PREPARED BY: TOWN OF DAVIE  
 PLANNING & ZONING DIVISION - GIS

