

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

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

PREPARED BY: David M. Abramson, Planner III

SUBJECT: Delegation Request: DG 7-2-06/05-537/Three Oaks Business Center/5951 Orange Drive/Generally located between Orange Drive and Southwest 44th Court, and between Southwest 60th Avenue and Southwest 59th Avenue.

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TO VACATE A 15' DRAINAGE EASEMENT FROM THE "DAVIE TROPICANA" PLAT; TO VACATE A 20' DRAINAGE EASEMENT FROM THE "DAVIE TROPICANA REPLAT," AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

The "Davie Tropicana" Plat was originally approved with a 15' drainage easement, generally located 4' west of Parcel "A"s western boundary line. In 1998, the entire plat was included in "Davie Tropicana Replat." At that time, the same 15' drainage easement was not included in this re-plat. During the development of site plan application SP 5-2-05/Three Oaks Business Center, it was discovered that a drainage structure was located within the previously approved 15' drainage easement. To allow the proposed site plan design to move forward, project engineers have a plan that would allow the existing drainage structure to be relocated to the plat perimeter.

In addition, the "Davie Tropicana Replat" dedicated a 20' drainage easement along the southern perimeter adjacent to the original County required Right-of-Way dedication for Orange Drive. The petitioner has requested to vacate 55' of Right-of-Way through VA 7-1-05/Three Oaks Business Center. If this vacation is approved, the drainage easement would run directly through the center of the subject site and be in direct conflict with the proposed site plan for the Three Oaks Business Center. According to the petitioner, field inspections with the Water Control District determined that no facilities are located within this drainage easement, nor is part of plans for any project in the nearby area.

This delegation request is needed to ensure that the original "Davie Tropicana" Plat and "Davie Tropicana Replat" are consistent with the proposed "Three Oaks Business Center" site plan. Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: n/a

Has request been budgeted? n/a

RECOMMENDATION(S):

Staff finds the application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Resolution, Justification letter, Sketch and Description, "Davie Tropicana" Plat, "Davie Tropicana Replat," Future Land Use Map, Aerial, Zoning, & Subject Site Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TO VACATE A 15' DRAINAGE EASEMENT FROM THE "DAVIE TROPICANA" PLAT; TO VACATE A 20' DRAINAGE EASEMENT FROM THE "DAVIE TROPICANA REPLAT," AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plats known as "Davie Tropicana" recorded in Plat Book 111, Page 17, and "Davie Tropicana Replat" recorded in Plat Book 165 of plats at page 12 of the public records of Broward County; and,

WHEREAS, the petitioner has a site plan application known as "SP 5-2-05/Three Oaks Business Center" to develop the subject site with commercial use; and,

WHEREAS, the petitioner desires to amend the said plats in accordance with the approved site plan; and,

WHEREAS, the petitioner requests to vacate a 15' drainage easement, generally located 4' west of Parcel "A"s western boundary line on the original "Davie Tropicana" Plat ; and,

WHEREAS, the petitioner requests to vacate a 20' drainage easement on the "Davie Tropicana Replat" along the southern plat limits.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve the delegation request to vacate the following:

- a. 15' drainage easement, generally located 4' west of Parcel "A"s western boundary line on the original "Davie Tropicana" Plat
 - b. 20' drainage easement on the "Davie Tropicana Replat" along the southern plat limits
- The proposed revisions being specifically described in the planning exhibits attached hereto.

SECTION 2. This resolution shall be recorded in the Broward County public records.

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

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

Exhibit (*Justification Letter*)

**Three Oaks Business Center
Delegation Request For
Modifications to "Davie Tropicana Replat"
DRAINAGE EASEMENTS
JUSTIFICATION STATEMENT**

The petitioner is requesting to abandon the drainage easements platted through the subject site and subsequently replace them with a perimeter drainage easement.

The "Davie Tropicana" plat (PB 111 Pg 17) included a 15-foot drainage easement parallel and four feet west of the eastern perimeter. Minor corrections were made by virtue of a surveyor's affidavit of scrivener's error recorded in OR 17475 Pg 0584 in 1990. In 1998 the entire plat was included in "Davie Tropicana Replat" recorded in PB 165 Pg 12 as Parcel "A." The 15-foot drainage easement was not included in the re-plat.

During development of the site plan and drainage plan for the Three Oaks Business Center it was discovered that a drainage structure had been located within the previously platted easement and that elimination of the easement from the re-plat was apparently in error. The project engineer has developed a plan for the site which would allow the existing structure to be relocated to the property perimeter before reconnecting to the outfall. CBWCD staff have reviewed the proposed relocation and indicated support.

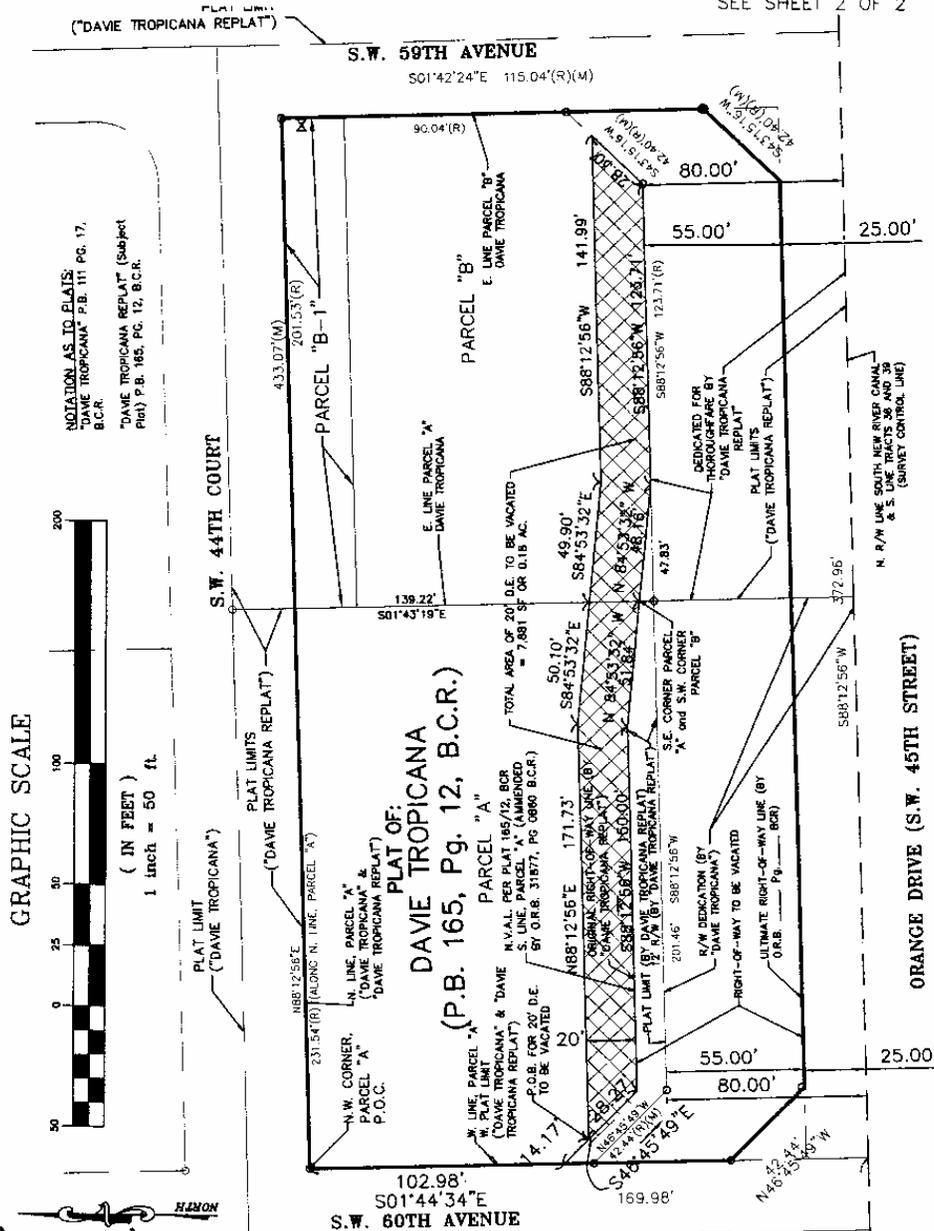
"Davie Tropicana Replat" dedicated a 20-foot drainage easement along the southern perimeter adjacent to the right-of-way dedicated for Orange Drive. The proposed vacation of all but the southern 25 feet of this right-of-way dedication would leave the drainage easement in the development area unless it is abandoned or relocated. Field inspections subsequent to a meeting with WCD staff have determined that no facilities are located within this easement nor is it part of any plans for the project or vicinity area.

The proposed replacement easement will be submitted to the Central Broward Water Control District for acceptance before recordation.

EXHIBIT "A" SKETCH and DESCRIPTION

SHEET 1 OF 2

(VACATION OF PLATTED 20 FOOT DRAINAGE EASEMENT) NOTE: FOR DESCRIPTION OF THESE GRAPHICS, SEE SHEET 2 OF 2



Francisco A. Aguirre
FRANCISCO A. AGUIRRE, P.E., P.L.S.
REGISTERED LAND SURVEYOR No. 3354
STATE OF FLORIDA

ASSOCIATED ENGINEERS and SURVEYORS DESIGN GROUP, INC.
CIVIL ENGINEERS, ARCHITECTS, STRUCTURAL ENGINEERS,
SURVEYORS/MAPPERS and PLANNERS
SOUTH FLORIDA and TREASURE COAST
MAIN OFFICE: 750 N.W. 45 STREET, SUITE 218
PLANTATION, FLORIDA 33317
PHONE: (854) 316-8770 FAX: (772)-360-5386 (954) 316-8720

EXHIBIT A SKETCH AND DESCRIPTION

(PLATTED 20 FOOT DRAINAGE EASEMENT TO BE VACATED)

NOTE: FOR THE GRAPHICS CORRESPONDING TO THIS DESCRIPTION, SEE SHEET 1 OF 2

DESCRIPTION OF PLATTED 20 FOOT DRAINAGE EASEMENT TO BE VACATED:

A PORTION OF LAND WITHIN PARCELS "A" AND "B" OF "DAVIE TROPICANA REPLAT", ACCORDING TO PLAT BOOK 165, PAGE 12, AS RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID PORTION OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST (NW) CORNER OF SAID PARCEL "A" OF "DAVIE TROPICANA REPLAT", THENCE SOUTH 01° 44' 34" EAST ALONG THE WEST LINE OF SAID PARCEL "A", SAID LINE ALSO BEING THE WEST PLAT LIMIT OF "DAVIE TROPICANA REPLAT", FOR A DISTANCE OF 102.98 FEET; THENCE SOUTH 46° 45' 49" EAST, FOR A DISTANCE OF 14.17 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PORTION OF LAND; THENCE NORTH 88° 12' 56" EAST ALONG A LINE 20.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID PARCEL "A", ACCORDING TO THE PLAT OF "DAVIE TROPICANA REPLAT", FOR A DISTANCE OF 171.73 FEET; THENCE SOUTH 84° 53' 32" EAST, FOR A DISTANCE OF 50.10 FEET TO A POINT OF INTERSECTION WITH THE EAST (E) LINE OF SAID PARCEL "A", SAID POINT BEING 20.21 FEET NORTH (N) OF THE SOUTHEAST CORNER OF PARCEL "A" ACCORDING TO THE PLAT OF "DAVIE TROPICANA REPLAT"; THENCE CONTINUE ALONG THE LAST DESCRIBED COURSE OF SOUTH 84° 53' 32" EAST, INTO PARCEL "B", FOR A DISTANCE OF 49.90 FEET; THENCE NORTH 88° 12' 56" EAST ALONG A LINE 20.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF PARCEL "B", FOR A DISTANCE OF 141.99 FEET; THENCE SOUTH 43° 15' 16" WEST, FOR A DISTANCE OF 28.30 FEET TO A POINT OF INTERSECTION WITH THE SOUTH (S) LINE OF SAID PARCEL "B"; THENCE PROCEED SOUTH 88° 12' 56" WEST ALONG SAID SOUTH (S) LINE, FOR A DISTANCE OF 123.71 FEET; THENCE PROCEED NORTH 84° 53' 32" WEST ALONG A SOUTHERLY (S'y) LINE OF PARCEL "B", FOR A DISTANCE OF 48.16 FEET TO THE SOUTHWEST (SW) CORNER OF PARCEL "B" ACCORDING TO THE PLAT OF "DAVIE TROPICANA REPLAT"; THENCE CONTINUE ALONG THE LAST DESCRIBED COURSE OF NORTH 84° 53' 32" WEST, ALONG A SOUTHERLY (S'y) LINE OF SAID PARCEL "A", FOR A DISTANCE OF 51.84 FEET; THENCE PROCEED SOUTH 88° 12' 56" WEST ALONG A SOUTHERLY (S'y) LINE OF PARCEL "A", FOR A DISTANCE OF 150.00 FEET; THENCE PROCEED NORTH 46° 45' 49" WEST, FOR A DISTANCE OF 28.27 FEET TO THE POINT OF BEGINNING.

SAID PORTION OF LAND SITUATE, LYING AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA, CONTAINING APPROXIMATELY 4,154 SQUARE FEET OR 0.10 ACRES.

LEGEND:

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- P.O.T. = POINT OF TERMINATION
- P.B. = PLAT BOOK
- PG. = PAGE
- BCR = BROWARD COUNTY
- ORB = OFFICIAL RECORDS BOOK

Francisco A. Aguirre
 FRANCISCO A. AGUIRRE, P.E., P.L.S.
 REGISTERED LAND SURVEYOR No. 3354
 STATE OF FLORIDA

REVISIONS/UPDATES:		
DATED:	06/12/06	PROJECT No.: 05-047
SCALE: N/A	DRAWN BY: XFA	CHECKED BY: XFA & FAA
		REFERENCE PROJECT No.: 03-569

ASSOCIATED ENGINEERS and SURVEYORS DESIGN GROUP, INC.
 CIVIL ENGINEERS, ARCHITECTS, STRUCTURAL ENGINEERS,
 SURVEYORS/MAPPERS and PLANNERS
 SOUTH FLORIDA and TREASURE COAST
 7501 NW 42nd STREET, SUITE 2100
 PLANTATION, FLORIDA 33317
 PHONE: (954) 318-8770 FAX: (772)-380-8366 (954) 318-8720

FOR:
**THREE OAKS
 BUSINESS PARK**
 DAVE BROWARD COUNTY FLORIDA

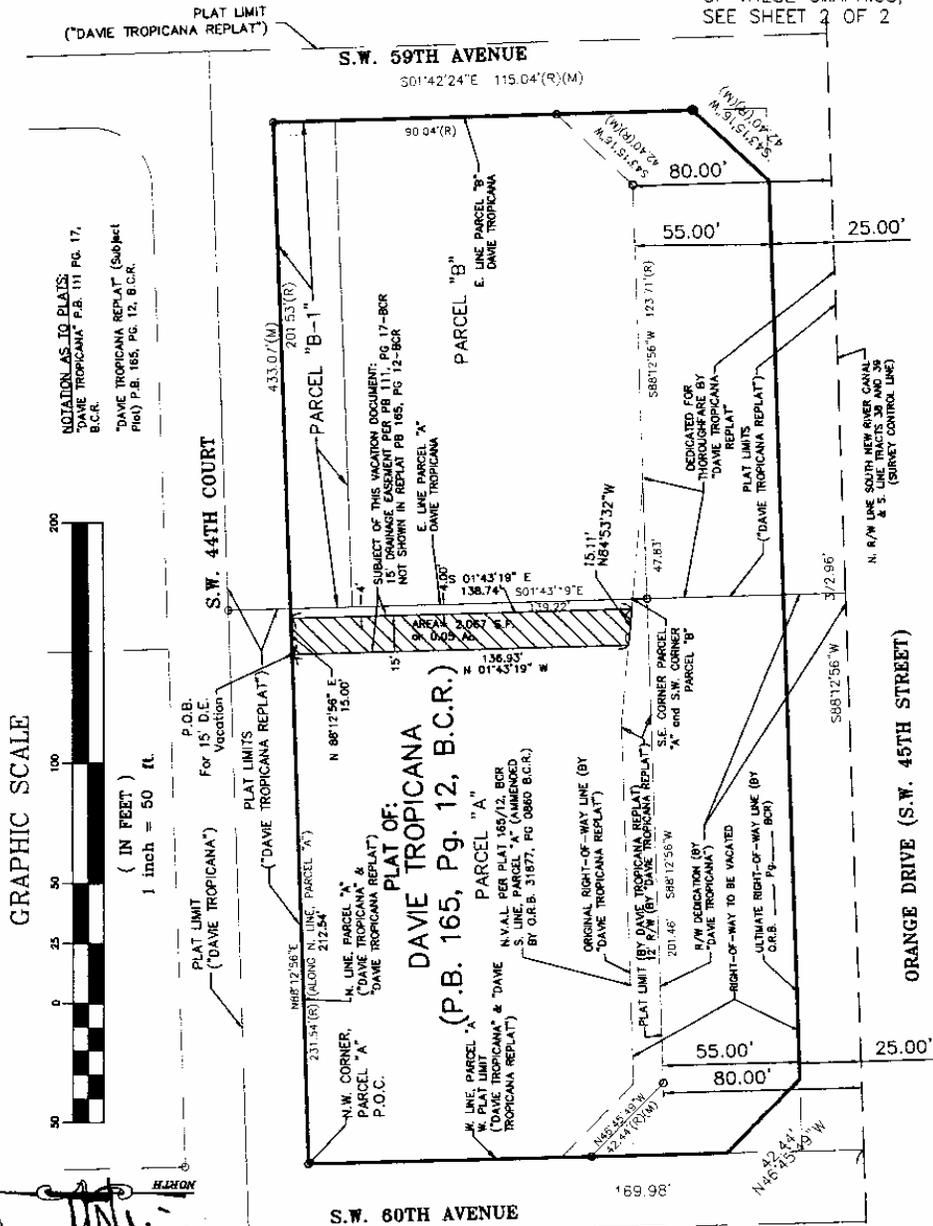
PROJECT:
 VACATION OF:
**PLATTED 20 FOOT
 DRAINAGE EASEMENT**

EXHIBIT "A" SKETCH and DESCRIPTION

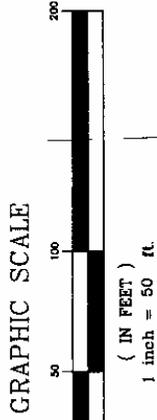
SHEET 1 OF 2

(15 FOOT PLATTED DRAINAGE EASEMENT TO BE VACATED)

NOTE: FOR DESCRIPTION OF THESE GRAPHICS, SEE SHEET 2 OF 2



NOTATION AS TO PLATS:
 "DAVE TROPICANA" P.B. 111, PG. 17, B.C.R.
 "DAVE TROPICANA REPLAT" (Subject Plat) P.B. 165, PG. 12, B.C.R.



Francisco A. Aguirre
 FRANCISCO A. AGUIRRE, P.E., P.L.S.
 REGISTERED LAND SURVEYOR No. 3354
 STATE OF FLORIDA

REVISIONS/UPDATES:	
DATED:	06/12/06
PROJECT No.:	05-047
SCALE: 1" = 50'	DRAWN BY: XFA
CHECKED BY: XFA & FAA	REFERENCE PROJECT No.: 03-569

ASSOCIATED ENGINEERS and SURVEYORS DESIGN GROUP, INC.
 CIVIL ENGINEERS, ARCHITECTS, STRUCTURAL ENGINEERS,
 SURVEYORS, APPRAISERS and PLANNERS
 SOUTH FLORIDA and TREASURE COAST
 Main Office: 7201 W. 4th Street, Suite 2129
 Plantation, Florida 33317
 PHONE: (954) 316-8770 FAX: (772)-360-9386 (954) 316-8720

FOR:
THREE OAKS BUSINESS PARK
 DAVE BROWARD COUNTY FLORIDA

PROJECT:
 VACATION OF:
PLATTED 15 FOOT DRAINAGE EASEMENT

SECTION AND DESCRIPTION

(15 FOOT PLATTED DRAINAGE EASEMENT TO BE VACATED)

NOTE: FOR THE GRAPHICS
CORRESPONDING TO THIS
DESCRIPTION, SEE SHEET 1
OF 2

DESCRIPTION OF 15 FOOT PLATTED DRAINAGE EASEMENT TO BE VACATED:

A STRIP OF LAND 15.00 FEET WIDE WITHIN A PORTION OF PARCEL "A" OF DAVIE TROPICANA REPLAT, ACCORDING TO PLAT BOOK 185, PAGE 12, AS RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID 15.00 FOOT STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 15 FEET (W 15') OF THE EAST 19 FEET (E 19') OF SAID PARCEL "A" OF DAVIE TROPICANA REPLAT, SHOWN AS A DRAINAGE EASEMENT WITHIN PARCEL "A" OF "DAVIE TROPICANA", ACCORDING TO PLAT BOOK 111, PAGE 17, AS RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID 15 FOOT STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST (NW) CORNER OF SAID PARCEL "A" OF DAVIE TROPICANA REPLAT, THENCE NORTH 88°12' 56" EAST ALONG THE NORTH LINE OF SAID PARCEL "A", SAID LINE ALSO BEING A NORTH PLAT LIMIT OF SAID DAVIE TROPICANA REPLAT, FOR A DISTANCE OF 212.54 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED STRIP OF LAND; THENCE CONTINUE ALONG THE LAST DESCRIBED COURSE OF NORTH 88°12' 56" EAST, FOR A DISTANCE OF 15.00 FEET TO A POINT ON A LINE, SAID LINE BEING PARALLEL TO AND 4.00 FEET WEST (W) OF THE EAST (E) LINE OF SAID PARCEL "A"; THENCE PROCEED SOUTH 01°43' 19" EAST ALONG SAID PARALLEL LINE, FOR A DISTANCE OF 138.74 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL "A"; THENCE PROCEED NORTH 84° 53' 32" WEST ALONG SAID SOUTH PARCEL LINE, FOR A DISTANCE OF 15.11 FEET TO A POINT ON A LINE, SAID LINE BEING PARALLEL TO AND 19.00 FEET WEST (W) OF SAID EAST (E) LINE OF PARCEL "A"; THENCE PROCEED NORTH 01° 43' 19" WEST ALONG SAID PARALLEL LINE, FOR A DISTANCE OF 136.93 FEET TO THE POINT OF BEGINNING.

SAID STRIP OF LAND SITUATE, LYING AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA, AND CONTAINING APPROXIMATELY 2,067 SQUARE FEET, OR 0.05 ACRES.

FRANCISCO A. AGUIRRE, P.E., P.L.S.
REGISTERED LAND SURVEYOR No. 3354
STATE OF FLORIDA

REVISIONS/UPDATES:

DATED: 06/12/06 PROJECT No.: 05-047

SCALE: 1" = 20' DRAWN BY: XFA CHECKED BY: XFA & FAA REFERENCE PROJECT No.: 03-569



ASSOCIATED ENGINEERS and SURVEYORS DESIGN GROUP, INC.
CIVIL ENGINEERS, ARCHITECTS, STRUCTURAL ENGINEERS,
SURVEYORS, MAPPERS and PLANNERS

SOUTH FLORIDA and TREASURE COAST
HEAD OFFICE: 7500 N.W. 40th STREET, SUITE 2125
PLANTATION, FLORIDA 33317

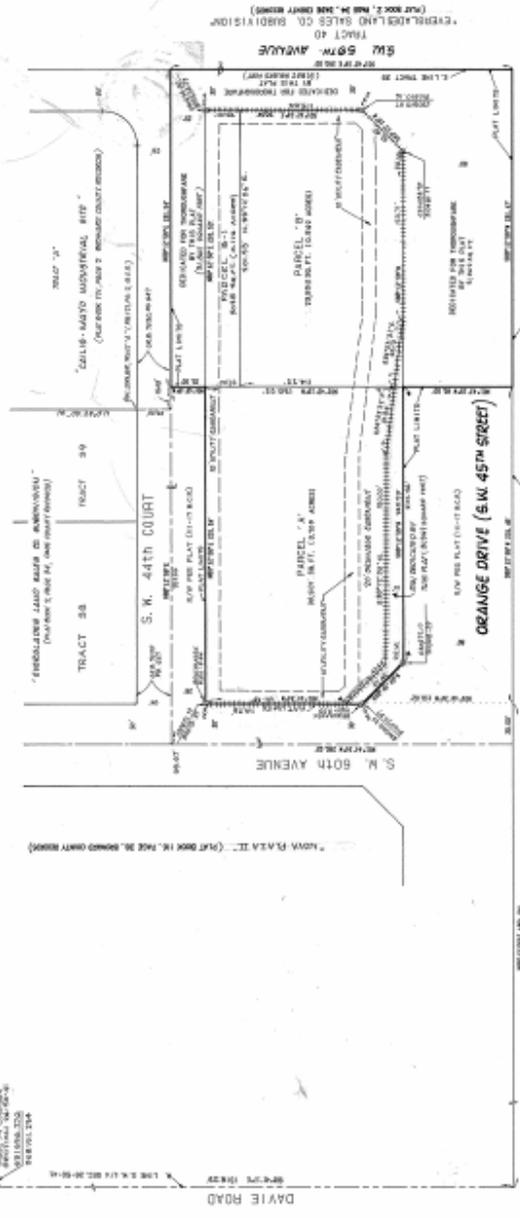
PHONE: (954) 316-8770 FAX: (772)-380-9369 (954) 316-8720

FOR:
**THREE OAKS
BUSINESS PARK**
DAVE BROWARD COUNTY FLORIDA

PROJECT:
VACATION OF:
**15 FOOT PLATTED
DRAINAGE
EASEMENT**

"DAVIE TROPICANA REPLAT"

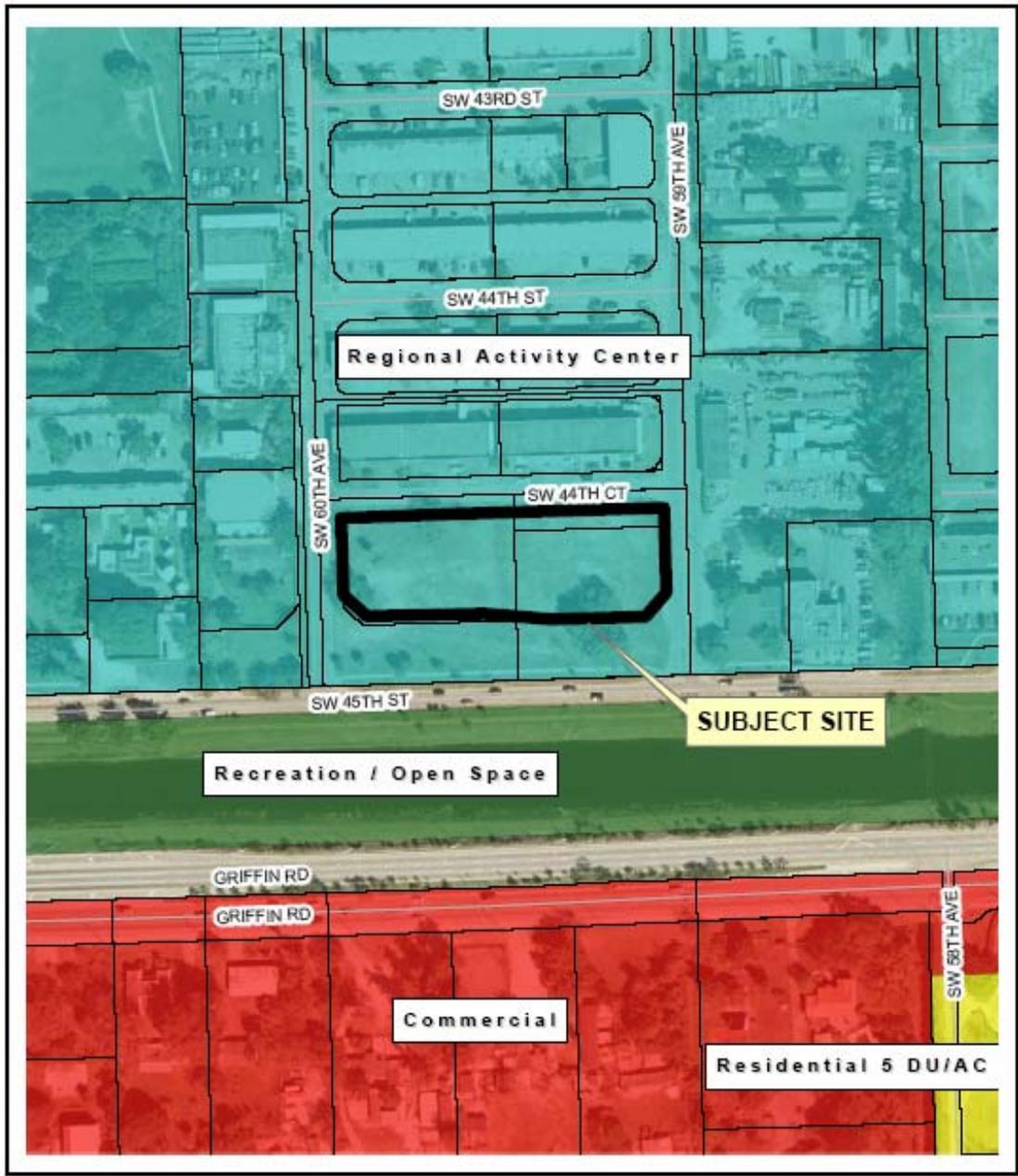
A REPLAT OF PARCEL "A" OF "DAVIE TROPICANA" (P.B. 111, P.B. 17 & C.R. 1),
SECTION 16, TOWNSHIP 30, SOUTH
RANGE 31, EAST, OF "DAVIE TROPICANA" (P.B. 111, P.B. 17 & C.R. 1),
RANGE 31, EAST, IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA



- PLAT NOTES
1. ALL LOTS ARE TO BE CONVEYED TO THE PURCHASER.
 2. THE PLAT IS SUBJECT TO ALL APPLICABLE ZONING ORDINANCES AND REGULATIONS.
 3. THE PLAT IS SUBJECT TO ALL APPLICABLE EASEMENTS AND ENCUMBRANCES.
 4. THE PLAT IS SUBJECT TO ALL APPLICABLE RECORDS AND DOCUMENTS.
 5. THE PLAT IS SUBJECT TO ALL APPLICABLE DEEDS AND INSTRUMENTS.
 6. THE PLAT IS SUBJECT TO ALL APPLICABLE ORDINANCES AND REGULATIONS.
 7. THE PLAT IS SUBJECT TO ALL APPLICABLE RECORDS AND DOCUMENTS.
 8. THE PLAT IS SUBJECT TO ALL APPLICABLE DEEDS AND INSTRUMENTS.
 9. THE PLAT IS SUBJECT TO ALL APPLICABLE ORDINANCES AND REGULATIONS.
 10. THE PLAT IS SUBJECT TO ALL APPLICABLE RECORDS AND DOCUMENTS.
 11. THE PLAT IS SUBJECT TO ALL APPLICABLE DEEDS AND INSTRUMENTS.
 12. THE PLAT IS SUBJECT TO ALL APPLICABLE ORDINANCES AND REGULATIONS.
 13. THE PLAT IS SUBJECT TO ALL APPLICABLE RECORDS AND DOCUMENTS.
 14. THE PLAT IS SUBJECT TO ALL APPLICABLE DEEDS AND INSTRUMENTS.
 15. THE PLAT IS SUBJECT TO ALL APPLICABLE ORDINANCES AND REGULATIONS.
 16. THE PLAT IS SUBJECT TO ALL APPLICABLE RECORDS AND DOCUMENTS.
 17. THE PLAT IS SUBJECT TO ALL APPLICABLE DEEDS AND INSTRUMENTS.
 18. THE PLAT IS SUBJECT TO ALL APPLICABLE ORDINANCES AND REGULATIONS.
 19. THE PLAT IS SUBJECT TO ALL APPLICABLE RECORDS AND DOCUMENTS.
 20. THE PLAT IS SUBJECT TO ALL APPLICABLE DEEDS AND INSTRUMENTS.

Prepared By:
WILLIAM T. COLLIER, INC.
3000 NORTH WINDY HILL ROAD
DAVIE, FLORIDA 33317

Exhibit (Future Land Use Map)



Date Flown:
12/2004

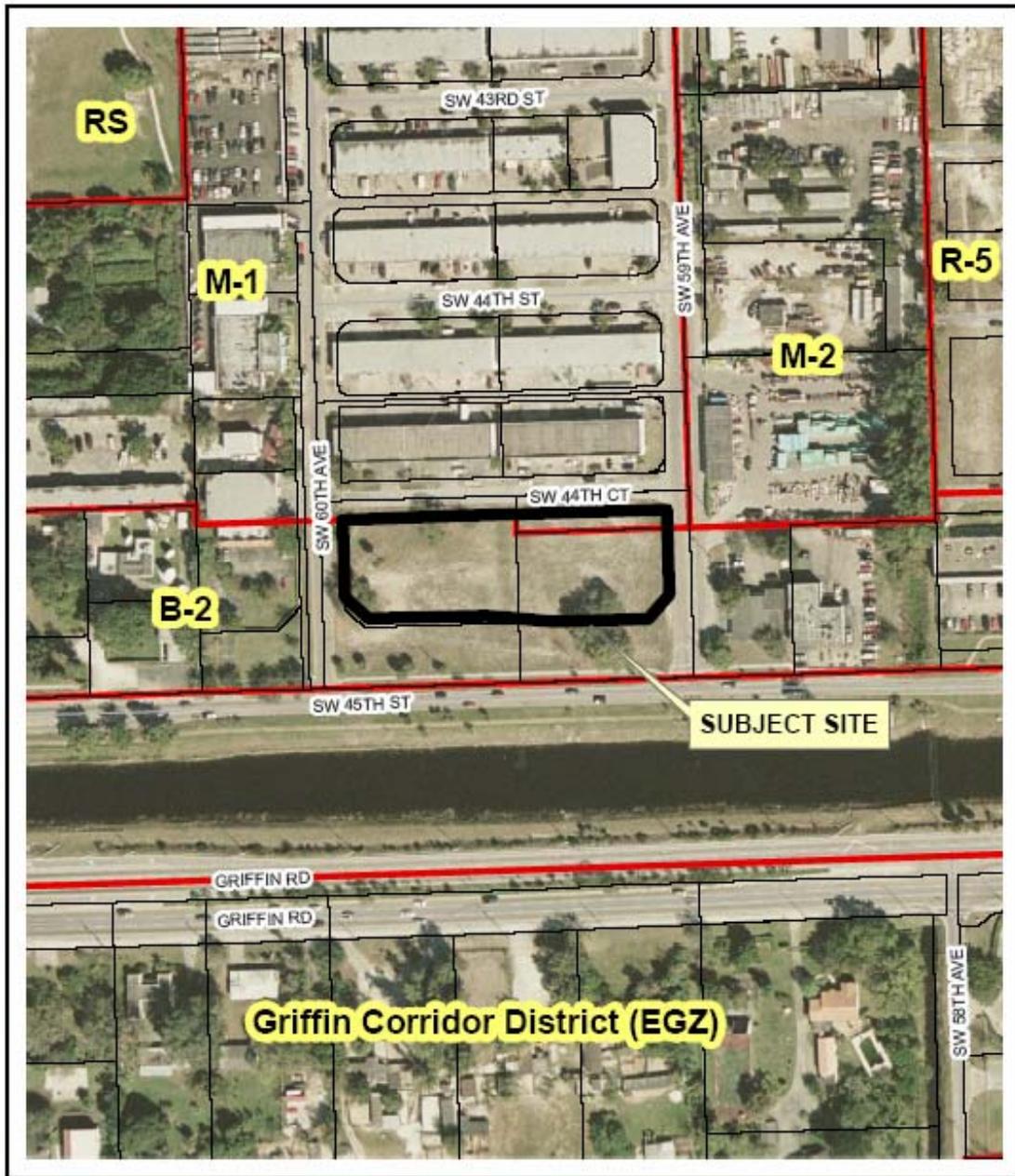


Prepared by the Town of Davie GIS Division

Future Land Use Map

Prepared by: ID
Date Prepared: 12/13/06

Exhibit (Aerial, Zoning, and Subject Site Map)



Date Flown:
12/2004



Prepared by the Town of Davie GIS Division

Zoning and Aerial Map

Prepared by: ID
Date Prepared: 12/13/06

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *