

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP (797-1101)

SUBJECT: Ordinance - Vacation/Abandonment

Application No., Project Name and Location: VA 5-2-02, SW 142 Avenue Road Right-of-Way Vacation, Generally located between SW 14 Street to the south and SW 26 Street to the north.

AFFECTED DISTRICT: District 4 - Councilmember Judy Paul

TITLE OF AGENDA ITEM: SW 142 Avenue Road Right-of-Way Vacation

REPORT IN BRIEF:

The Town is requesting to vacate a portion of road right-of-way known as SW 142 Avenue between SW 14 Street to the south and SW 26 Street to the north, approximately one (1) mile in length.

On July 3, 2001, at the request of adjacent residents, Town Council approved the vacation of a portion of right-of-way for SW 142 Avenue, lying between SW 26 Street to the north and SW 14 Street to the south.

The subject segment of SW 142 Avenue is presently unpaved right-of-way. Through vacation of this segment of road right-of-way the rural character of the immediate residential area would be preserved. Any other rights-of-way or easements reflected within the subject area are not proposed for vacation.

PREVIOUS ACTIONS: None

CONCURRENCES:

The Planning and Zoning Board recommended approval subject to the Planning Report (Motion By: Mr. Waitkus, Seconded By: Ms. Lee, Motion carried: 3-0, July 9, 2002).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve.

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

Prepared By:

Geri A. Baluss
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, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 142 AVENUE ADJACENT TO THE "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a portion of the SW 142 Avenue right-of-way located adjacent to the "Florida Fruit Lands Company's Subdivision No. 1" plat, specifically described on Exhibit "A &B" attached hereto, was accepted as a public right-of-way; and

WHEREAS, it is the desire of the Town Council to vacate and abandon said right-of-way; and

WHEREAS, at a meeting of the Town Council on the 7th day of August, 2002, the Town Council did agree to such vacation after conducting a public hearing, advertised as prescribed by law.

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

SECTION 1. That a portion of the NW 33 Street right-of-way located adjacent to the "Florida Fruit Lands Company's Subdivision No. 1" plat , specifically described on Exhibit "A&B" attached hereto, is hereby vacated by the Town of Davie.

SECTION 2. Easements located within the property described on Exhibit "A&B" are not vacated and shall be maintained in perpetuity.

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.

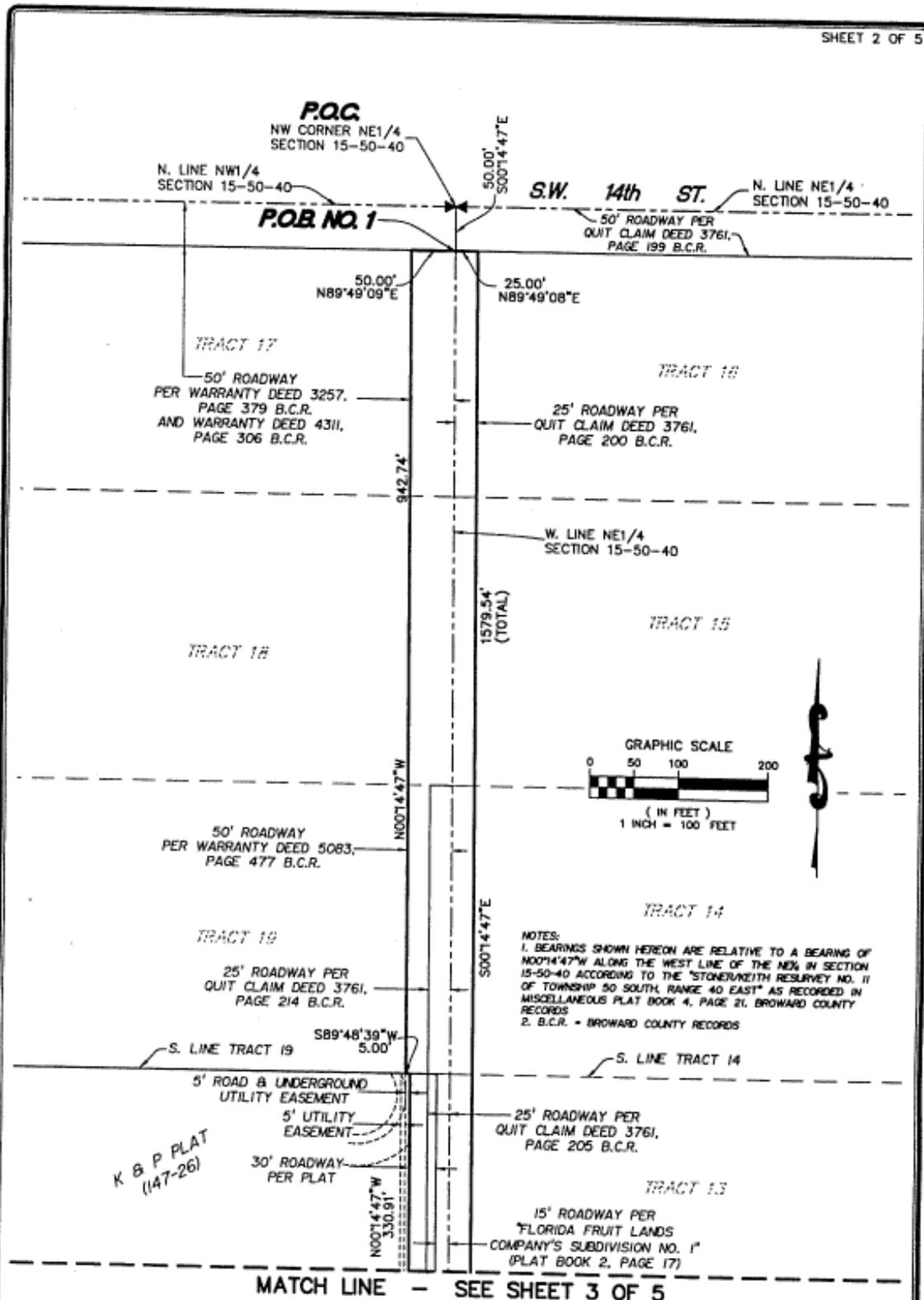
PASSED ON SECOND READING THIS _____ DAY OF _____, 2002.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2002.



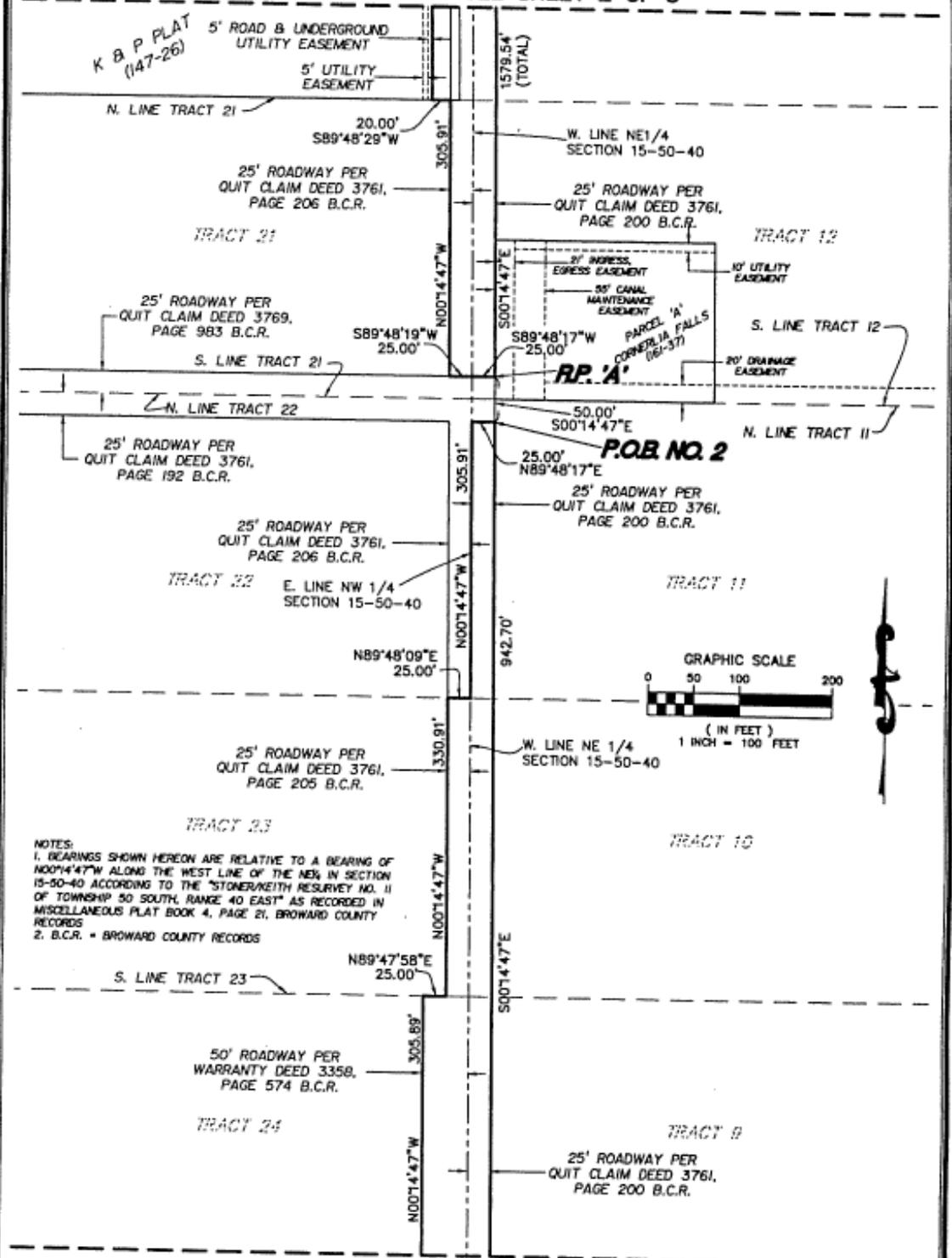
MILLER LEGG
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
ENVIRONMENTAL PROFESSIONALS

1800 N. DOUGLAS ROAD, SUITE 200
PENSACOLA, FLORIDA 32504
(904)434-7000 FAX: (904)437-2808
DIV. OF AUTHORIZATION L.S. 6800

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

SKETCH AND DESCRIPTION

PROJECT NO. 1094-19.262 FILE NO. 11-1A-943



MILLER LEGG ASSOCIATES, INC.
 ENGINEERS • PLANNERS • SURVEYORS
 LANDSCAPE ARCHITECTS
 ENVIRONMENTAL PROFESSIONALS
 1800 N. DOUGLASS ROAD, SUITE 200
 PENSACOLA, FLORIDA 32504
 (904)436-7000 FAX: (904)437-2858
 CERT. OF AUTHORIZATION LB 6680

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

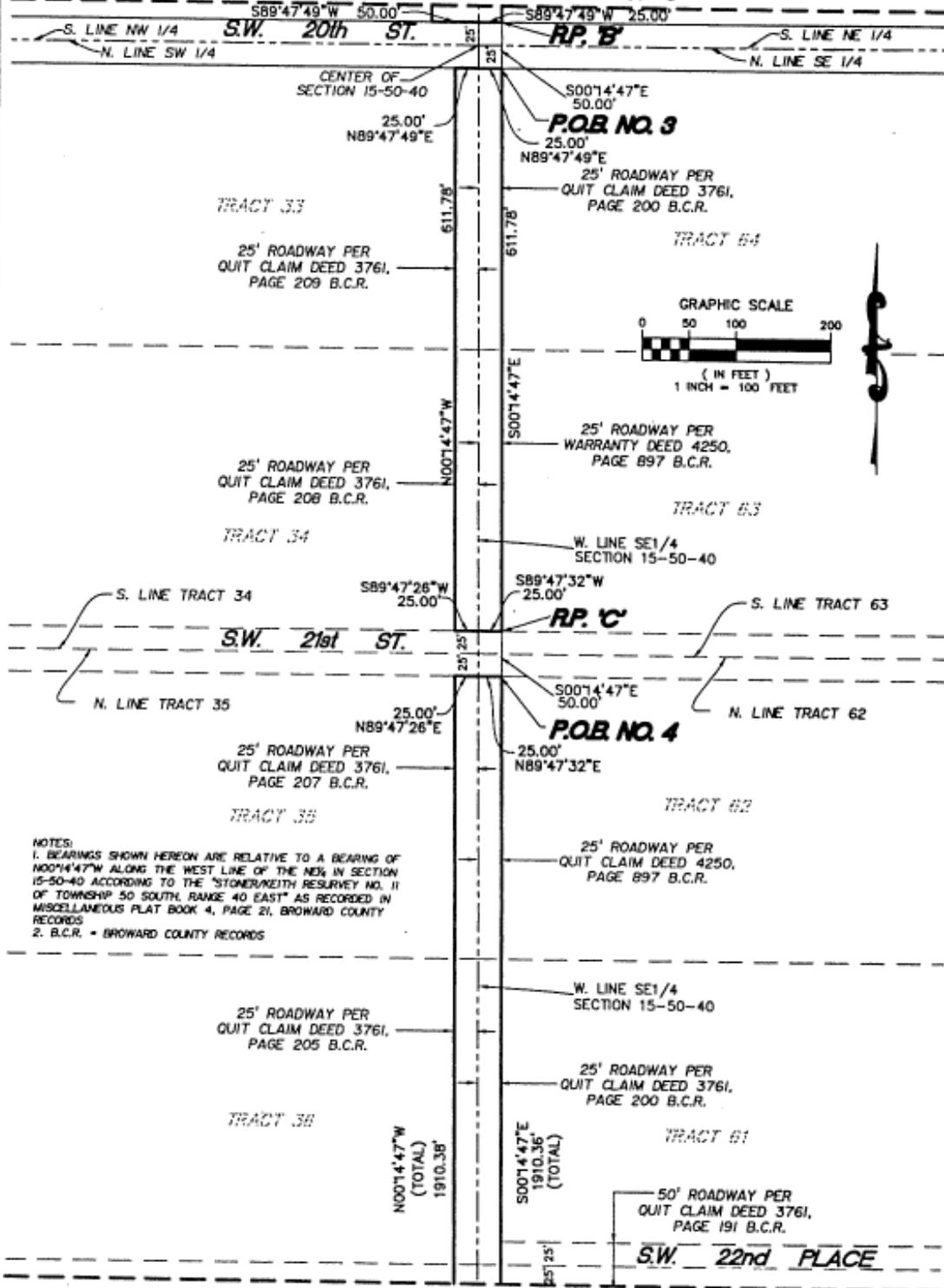
SKETCH AND DESCRIPTION

PROJECT NO.	FILE NO.
1094-19,262	11-1A-943

U:\New\1094-19\1094-19-262\1094-19-262.dwg Plot 07/15/2002 10:43:30 by rrevel

MATCH LINE - SEE SHEET 3 OF 5

SHEET 4 OF 5



NOTES:
 1. BEARINGS SHOWN HEREON ARE RELATIVE TO A BEARING OF N00°14'47"W ALONG THE WEST LINE OF THE NE¼ IN SECTION 15-50-40 ACCORDING TO THE "STONER/KEITH RESURVEY NO. II OF TOWNSHIP 50 SOUTH RANGE 40 EAST" AS RECORDED IN MISCELLANEOUS PLAT BOOK 4, PAGE 21, BROWARD COUNTY RECORDS
 2. B.C.R. = BROWARD COUNTY RECORDS

MATCH LINE - SEE SHEET 5 OF 5

MILLER LEGG
 ENGINEERS • PLANNERS • SURVEYORS
 LANDSCAPE ARCHITECTS
 ENVIRONMENTAL PROFESSIONALS
 1800 N. SUGAR ROAD, SUITE 200
 PLAINBROOK PINES, FLORIDA 33024
 (954) 438-7000 FAX (954) 437-2868
 STATE OF AUTHORIZATION L.S. 6680

SKETCH AND DESCRIPTION

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

PROJECT NO.	FILE NO.
1094-19.262	11-1A-943

Application #: VA 5-2-02

Revisions:

Exhibit "A"

Original Report Date: June 24, 2002

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

APPLICANT INFORMATION

Owner:

Name: Town of Davie
6591 Orange Drive
City: Davie, FL 33314
(954) 797-1101

Agent:

MillerLegg & Associates, Inc. **Address:**
1800 North Douglas Road, Ste. 200
Pembroke Pines, FL 33024 **Phone:**
(954) 436-7000

BACKGROUND INFORMATION

Notification Date: July 2, 2002

Number of Notifications: 137

Application Request: To vacate a portion of a 50-foot road right-of-way, approximately 1579.54 feet in length and 290,053 square feet in area; within the platted area known as "Florida Fruit Lands Company's Subdivision No.1" as recorded in Plat Book 2, Page 17 of the Dade County Records.

Address/Location: SW 142 Avenue, Generally located between SW 14 Street to the south and SW 26 Street to the north.

Land Use Designation: Residential (1 du/ac)

Existing Zoning: R-1, Estate Dwelling District

Existing Use: Vacant land (Right-of-Way)

Proposed Use: Residential land

Parcel Size: 6.659 acre (290,053 square feet)

Surrounding Land Use:

North: Shenandoah Lake
South: Vacant Land/Road
East: Single Family Residence
West: Single Family Residence

Land Use Designations:

Residential (3 du/ac)
Residential (1 du/ac)
Residential (1 du/ac)
Residential (1 du/ac)

Surrounding Zoning:

North: PRD 3.8, Planned Residential Development (3.8 du/ac)
South: A-1, Agricultural District, & R-1, Estate Dwelling District (Road)
East: R-1, Estate Dwelling District
West: R-1, Estate Dwelling District

HISTORY

The 50-foot right-of-way was dedicated to the public on February 11, 1911, by the “Florida Fruit Lands Company’s Subdivision No. 1” plat as recorded in the Dade County Records.

Summary of Significant Development Review Agency Comments

The Engineering Department has reviewed the subject request and has recommended approval. The various utility companies which staff notifies of easement vacation requests have responded with letters of no objection.

On February 13, 2002, Central Broward Water Control District reviewed the subject request and recommended approval subject to providing a 20-foot Canal Maintenance Easement along the east-side of SW 142 Avenue right-of-way to be vacated.

Application Codes and Ordinances

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

Comprehensive Plan Considerations

Planning Area: This request is in Planning Area 2 which includes the westernmost section of the

Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by Flamingo Road. The predominant existing and planned land use is single family residential with a density of one dwelling unit per acre.

Flexibility Zone: The proposed plat is in Flexibility Zone 113.

Concurrency Considerations: A Traffic Concurrency Agreement was recorded on February 13, 1997 and an amendment was recorded on January 6, 1998.

Applicable Goals, Objectives & Policies: None

Staff Analysis

On July 3, 2001, at the request of adjacent residents, Town Council approved the vacation of a portion of right-of-way for SW 142 Avenue, lying between SW 26 Street to the north and SW 14 Street to the south.

The subject segment of SW 142 Avenue is presently a 50' unpaved right-of-way with a canal lying within said right-of-way. Through vacation of this segment of road right-of-way the rural character of the immediate residential area would be preserved. Any other rights-of-way or easements reflected within the subject area are not proposed for vacation.

Findings of Fact

The proposed request is not contrary to the Land Development Code or adopted Comprehensive Plan, as amended, or any element or portion thereof.

Staff Recommendation

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

Planning and Zoning Board

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend approval subject to the Planning Report (Motion By: Mr. Waitkus, Seconded By: Ms. Lee, Motion carried: 3-0, July 9, 2002).

Exhibits

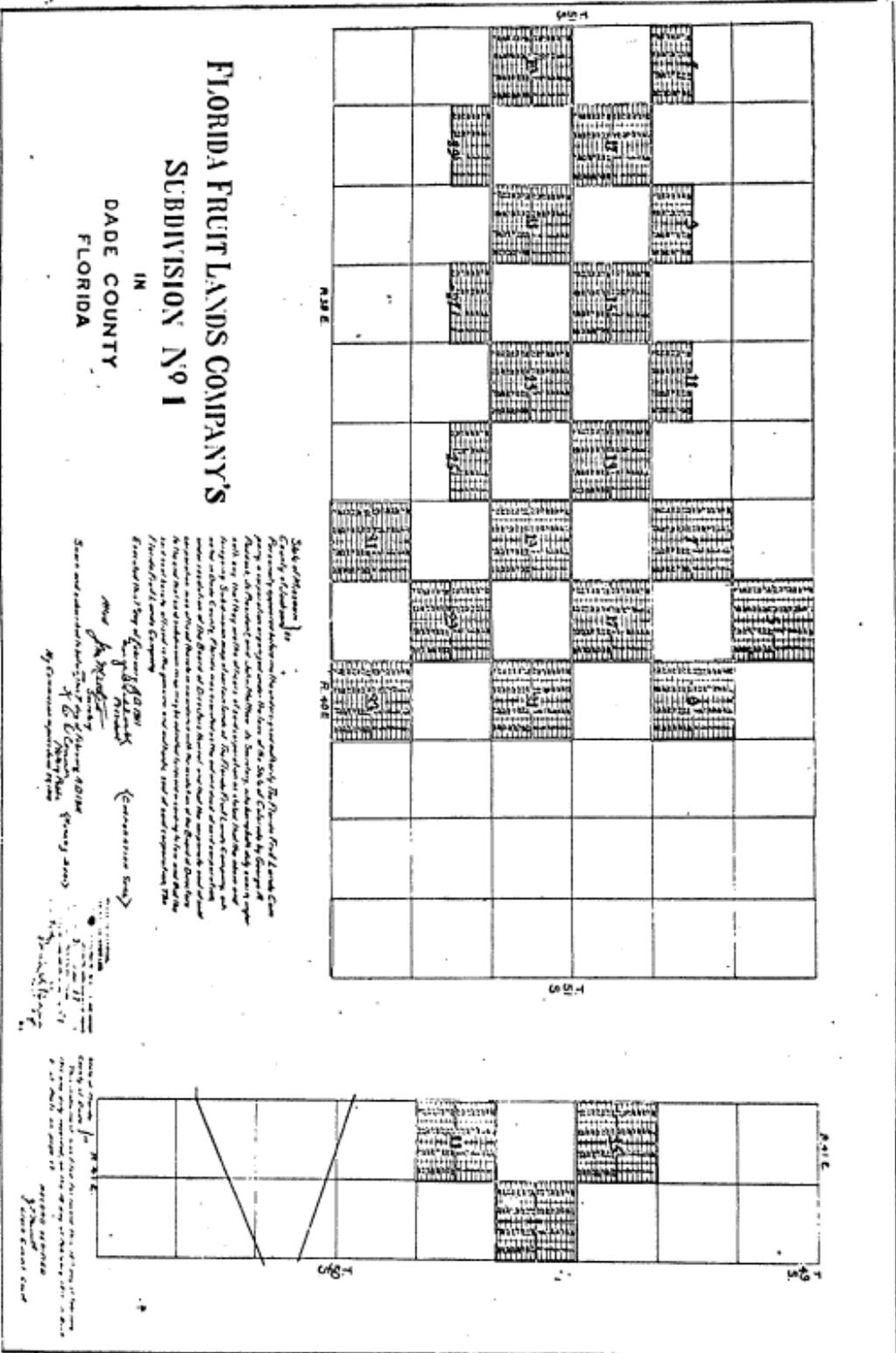
Ordinance, Planning Report, Justification Letter, Sketch and Description, Plat, Land Use Map, Subject Site Map, and Aerial.

Prepared By: _____ Reviewed By: _____

JUSTIFICATION STATEMENT

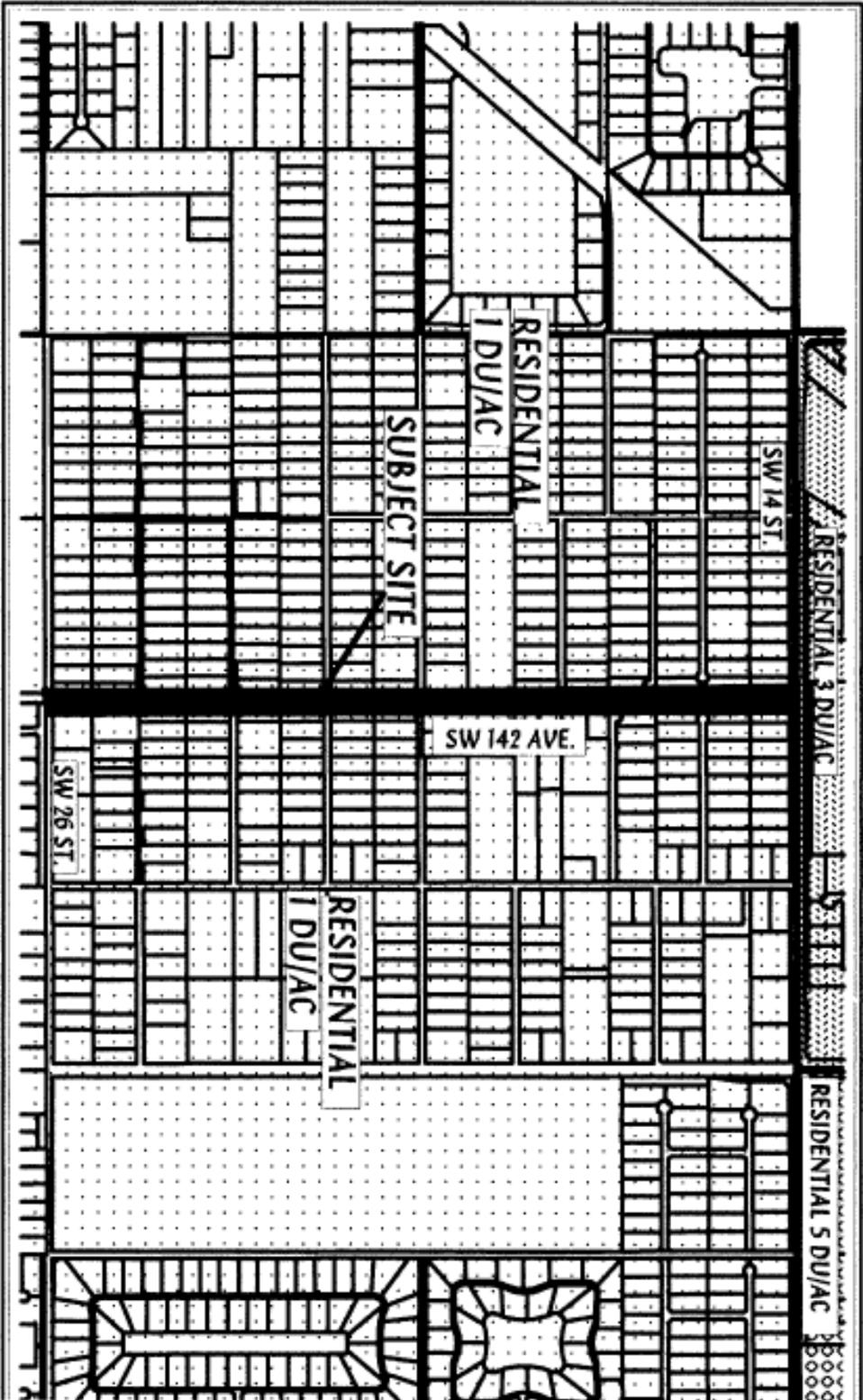
S.W. 142nd Avenue between S.W. 14th Street and S.W. 26th Street is not a paved roadway. The right-of-way for this road is sought to be vacated due to the abutting owners' request.

The Town of Davie has determined that the paved road in this section of land is not required and has agreed to proceed with the vacation process.

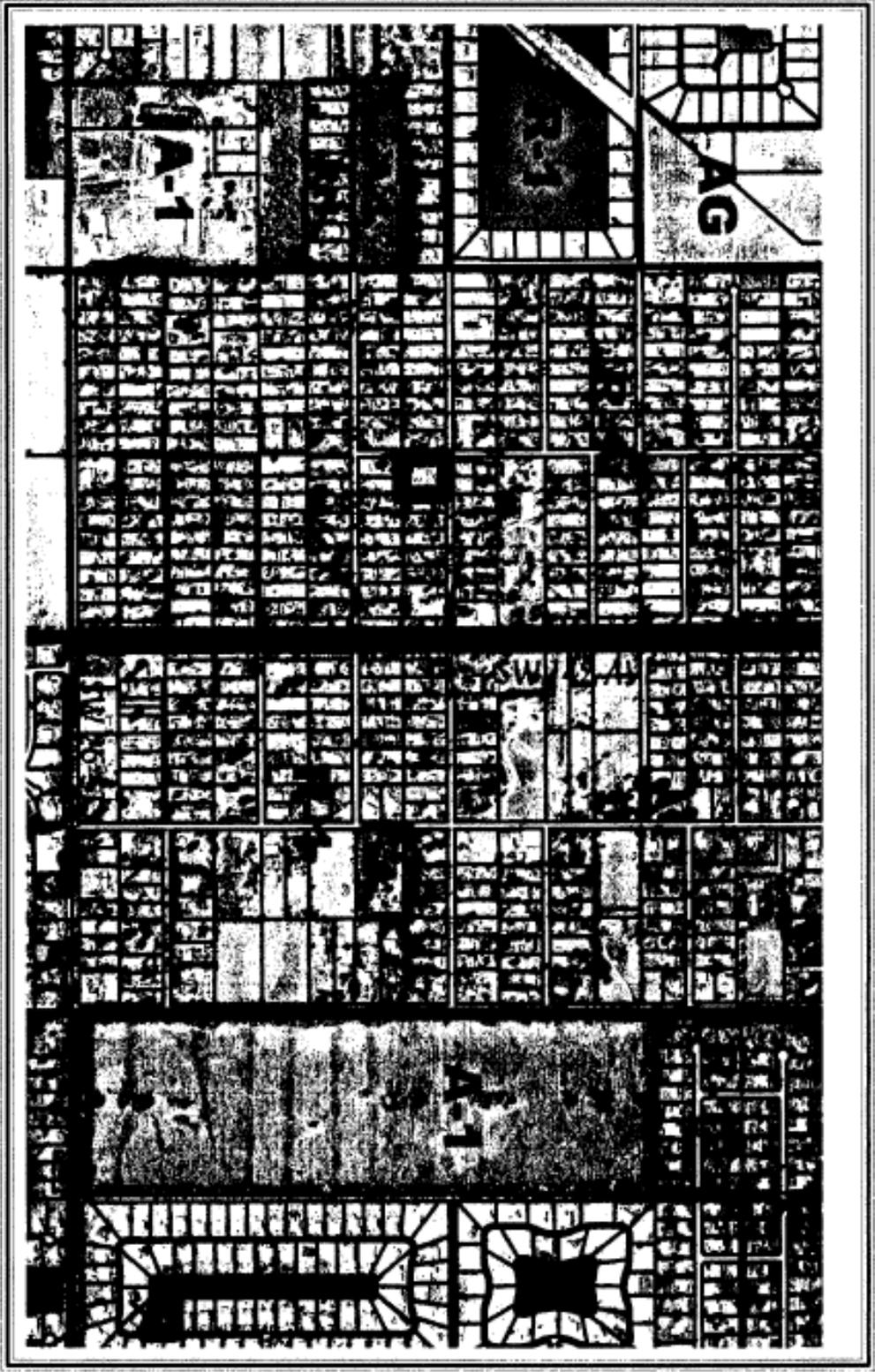


DADE 2-17 TRANS 24

FLORIDA FRUIT LAND COMPANY'S
 SUBDIVISION NO. 1
 PLAT BOOK 2 PAGE 17
 DADE COUNTY RECORDS



PETITION NUMBER: VA 5-2-02
FUTURE LAND USE MAP
 Date: Flow'n: January, 2001
 Scale: 1" = 900'
 Planning & Zoning Division - GIS
 Prepared 6/18/02



PETITION NUMBER: VA 5-2-02

Zoning and Aerial Map
Date: Flown: January, 2001
Scale: 1" = 900'
Planning & Zoning Division - GIS
Prepared 7/8/02