

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: DG 11-2-05 / Sterling Townhomes / 3875 NW 76 Avenue/Generally located 900' south of Stirling Road on the west side of NW 76 Avenue

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING A 24' RIGHT-OF-WAY (PRIVATE ROAD) TO A 24' INGRESS/EGRESS AND UTILITY EASEMENT; RELOCATION OF RETENTION AREAS AND DRAINAGE EASEMENTS; DELETING OF UTILITY EASEMENTS; DELETING OF SIDEWALK AND SWALE EASEMENTS; AND DELETING NON-VEHICULAR ACCESS LINES (NVAL) FROM THE "STERLING VILLAS" PLAT; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

"Sterling Villas" Plat was originally approved as a subdivision development consisting of eleven (11) individual lots. This plat was approved with specific easements, roads, and a non-vehicular access line. However, Sterling Villas was never built as per this approved plat.

On November 19, 2003, Town Council approved "Sterling Townhomes" site plan application that consisted of twenty-five (25) new multi-family units within an RM-8, Medium Density Dwelling District. During this site plan process, it was determined by Broward County that replatting was not necessary. As a result, Planning and Zoning staff directed the petitioner to submit a delegation request to allow for consistency and clean up of the plat. This delegation request is needed to ensure that the "Sterling Villas" Plat is consistent with the approved "Sterling Townhomes" site plan.

This delegation request consists of the following amendments to the "Sterling Villas" Plat:

- Modifying a 24' right-of-way (private road) to a 24' Ingress/Egress and Utility Easement
- Relocating of retention areas and drainage easements
- Deleting of utility easements
- Deleting of sidewalk and swale easements
- Deleting of non-vehicular access lines (NVAL)

Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

PREVIOUS ACTIONS: N/A

FISCAL IMPACT: N/A

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

Attachments: Resolution, Planning Report, Justification letter, Plat, Existing Survey, Proposed Survey, Future Land Use Map, Zoning and Aerial Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING A 24' RIGHT-OF-WAY (PRIVATE ROAD) TO A 24' INGRESS/EGRESS AND UTILITY EASEMENT; RELOCATION OF RETENTION AREAS AND DRAINAGE EASEMENTS; DELETING OF UTILITY EASEMENTS; DELETING OF SIDEWALK AND SWALE EASEMENTS; AND DELETING NON-VEHICULAR ACCESS LINES (NVAL) FROM THE "STERLING VILLAS" PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the subdivision plat known as "Sterling Villas" has been recorded in Plat Book 157, Page 24, of the public records of Broward County; and,

WHEREAS, the petitioner has approval of a site plan application known as "Sterling Townhomes" to develop the subject site with twenty-five (25) multi-family units; and,

WHEREAS, the Town of Davie desires to amend the said plat in accordance with the approved site plan; and,

WHEREAS, the petitioner is to modify a 24' Right-of-way (private road) to a 24' Ingress/Egress and Utility Easement; and,

WHEREAS, the petitioner is to relocate retention areas and drainage easements; and,

WHEREAS, the petitioner is to delete utility easements; and,

WHEREAS, the petitioner is to delete sidewalk and swale easements; and,

WHEREAS, the petitioner is to delete Non-Vehicular Access Lines (NVAL).

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 change the restrictive note on the "Sterling Villas" Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

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 _____, 2006.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2006.

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

Applicant Information

Owner:

Name: H.E.M. Development Corporation
Address: 7333 Coral Way
City: Miami, Florida 33155
Phone: (954) 525-4324

Petitioner:

Name: CLC Development Services
Address: 2781 Northeast 25th Street
City: Lighthouse Point, Florida 33064
Phone: (954) 336-8870

Background Information

Petitioner Request: This delegation request consists of the following amendments to the "Sterling Villas" Plat:

- Modifying a 24' right-of-way (private road) to a 24' Ingress/Egress and Utility Easement
- Relocating of retention areas and drainage easements
- Deleting of utility easements
- Deleting of sidewalk and swale easements
- Deleting of non-vehicular access lines (NVAL)

Address/Location: 3875 NW 76 Avenue/Generally located 900' south of Stirling Road on the west side of NW 76 Avenue

Future Land Use Plan Map: Residential 8 DU/AC

Zoning: RM-8, Medium Density Dwelling District

Existing(s): Vacant

Proposed Use(s): Twenty-five (25) multi-family units

Parcel Size: 3.393 gross acres (147,799 square feet)

Surrounding Uses:

North: Townhomes
South: Town of Davie Water Treatment Plant
East: Town of Davie Water Treatment Plant
West: Sundance on Stirling

Surrounding Land

Use Plan Map Designations:

Residential 8 DU/AC
Utilities
Utilities
Residential 8 DU/AC

Surrounding Zoning:

North: RM-8, Medium Density Dwelling District
South: U, Utilities District
East: U, Utilities District
West: RM-8, Medium Density Dwelling District

Zoning History

Related Zoning History:

Pursuant to a referendum vote, the subject site was annexed to the Town of Davie by Ordinance 81-7, on March 5, 1981

Previous Requests on same property:

Plat Application, on October 19, 1989, Town Council approved Sterling Villas with a note restricting the plat to 22 townhouse units. It was subsequently recorded in Plat Book 157, Page 24, of the official records of Broward County on November 14, 1994.

Delegation Request (DG 4-2-03), on November 19, 2003, Town Council approved a change the restrictive note on Sterling Villas plat to allow 25 multi-family units.

Site Plan Application (SP 4-7-03), on November 19, 2003, Town Council approved the Sterling Townhomes site plan consisting of 25 multi-family units.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code Section 12-81, Conventional Multi-family Development Standards, RM-8, Medium Density Dwelling District, requires the following minimums: lot area of 4,500 square feet, frontage of 100', front and rear setback of 25', side setbacks of 20', 20' between buildings, and maximum building height of 35 feet.

The Broward County Land Development Code requires Delegation Requests for plat note amendments.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 11. This Planning Area is bound by Stirling Road on the north, Davie Road Extension on the southeast, and University Drive on the west. The area is characterized by multi-family residential development on the south side of Stirling Road, ranging from 8 to 16 dwellings per acre. There is one single-family residential subdivision developed at five dwellings per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102.

Applicable Goals, Objectives & Policies:

Future Land Use Element, Objective 4: Pursuant to the adopted Davie Future Land Use Plan Map, land uses, intensities and densities shall be distributed and concentrated in such a manner so as to promote an economically sound community and discourage urban sprawl.

Future Land Use Element, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details

“Sterling Villas” Plat was originally approved as a subdivision development consisting of eleven (11) individual lots. This plat was approved with specific easements, roads, and a non-vehicular access line. However, Sterling Villas was never built as per this approved plat.

On November 19, 2003, Town Council approved “Sterling Townhomes” site plan application that consisted of twenty-five (25) new multi-family units within an RM-8, Medium Density Dwelling District. During this site plan process, it was determined by Broward County that replatting was not necessary. As a result, Planning and Zoning staff directed the petitioner to submit a delegation request to allow for consistency and clean up of the plat. This delegation request is needed to ensure that the “Sterling Villas” Plat is consistent with the approved “Sterling Townhomes” site plan.

This delegation request consists of the following amendments to the “Sterling Villas” Plat:

- Modifying a 24’ right-of-way (private road) to a 24’ Ingress/Egress and Utility Easement
- Relocating of retention areas and drainage easements
- Deleting of utility easements
- Deleting of sidewalk and swale easements
- Deleting of non-vehicular access lines (NVAL)

Staff Analysis

The Comprehensive Plan and Land Development Code permits parcels designated RM-8, Medium Density Dwelling District to be developed with multi-family residential uses. Approval of this request is subject to Broward County Development Management Division. Broward County is the lead agency in assessing the impact of development through the plat and/or delegation request process.

Findings of Fact

Staff finds the plat amendment consistent with the site plan and is compatible with the surrounding areas. Staff has no objection to the request.

Staff Recommendation

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

Town Council Action

Exhibits

1. Justification Letter
2. Plat
3. Amended Plat
4. Proposed Relocating of Retention areas and Drainage Easements
5. Sketch and Description of Deletion of Utility Easements
6. Sketch and Description of Deletion of Sidewalk and Swale Easements
7. Future Land Use Plan Map
8. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

Exhibit 1 (*Justification Letter*)

Sterling Townhomes at Davie Delegation Request For Modifications to the “Sterling Villas” Plat JUSTIFICATION STATEMENT

The Sterling Villas plat was subdivided for individual lots with a private road and adjacent swale, sidewalk and utility easement area to be maintained by the homeowners association and retention areas and drainage easements dedicated to the Central Broward Water Control District. The proposed project, Sterling Villas, was never constructed and the referenced homeowners association was never created. The current and approved project, Sterling Townhomes at Davie, is a condominium townhome project, hence the lot lines are no longer applicable. All common areas, including the private road and on-site sidewalks, will be the responsibility of the condominium association reflected in the condominium documents, hence dedication of easements to the association for sidewalks and swales and the road are no longer necessary.

During the original site plan review for the Sterling Townhomes at Davie it was determined by Town staff and confirmed by County staff that replatting would not be necessary. Town staff requested that the delegation request for the changes be processed after all engineering plans had been approved and permits issued to avoid the need to revise relocated easements and in one step with one document for the sake of clarity.

It is our intention to replace all of the easements, including the private road with adjacent easements and retention area reservation parcels dedicated on the “Sterling Villas” plat with those depicted on the attached Geometric and Easement Plan, and to abandon the lot lines and non-vehicular access lines dedicated on the plat, consistent with the site plan approved by the Town. Once the delegation request has been approved and the associated easements accepted by the Town, we will record the document in the Miscellaneous Map Book in the Broward County Records and provide a recorded copy to Town staff.

The specific changes encompassed by this delegation request are summarized below:

- **Tract A**

Tract A of the plat was a cul-de-sac private road dedicated as an access easement to the Town for “service and emergency vehicles and maintenance of public and semi-public utilities” and expressly “reserved for private road purposes, drainage and utilities” including franchise utilities as well as “such uses and services that may be designated or licensed by the Developer, its successors or assigns.” It was dedicated to the homeowners association for roadway purposes and designated as a perpetual maintenance obligation of the association.

The request is to modify the roadway location consistent with the approved site plan and to dedicate it as an ingress/egress and utility easement to the Town of Davie and a private road. The roadway will be the maintenance obligation of the condominium association as set forth in the condominium documents.

- **Parcel A and Drainage Easements**

Parcel A of the plat was a retention area and was dedicated, along with drainage easements, to the Central Broward Drainage District.

The request is to relocate the retention area and drainage easements consistent with the drainage plan approved by the Town and Central Broward Water Control District. The relocated easements shown on the Geometry and Easement Plan have already been recorded, as noted on the Plan (copies attached).

- **Utility Easement**

A utility easement was dedicated by the plat along the private and public road consistent with the proposed lot layout (see attached legal sketch and description).

The request is to abandon the utility easement. The water and sewer facilities are located within the private roadway and are addressed by the proposed access and utility easement. Easements are being granted by separate instrument for the franchise utilities.

- **Swale and Sidewalk Easement**

A 5-foot swale and 5-foot sidewalk easement was dedicated adjacent to the private road to the homeowners association for the purposes of establishing common ownership and the maintenance obligation (see attached legal sketch and description).

The request is to abandon the sidewalk easement and swale area depicted on the plat since these areas are established by the condominium documents as part of the common area for which the condominium is responsible.

- **Non-vehicular Access Line**

The plat includes a non-vehicular access line (NVAL) in the vicinity of the proposed access to NW 76th Avenue and along the private road at the entrance. The private road at the entrance on the approved site plan conflicts slightly with the non-vehicular access line as the centerline of the approved private road is located approximately 8 feet closer to the southern property line than the platted private road. The site plan and engineering plans have been approved and site permits issued establishing the access point and precluding the need for a platted NVAL.

The request is to abandon the platted NVAL.

Sterling Townhomes at Davie
Delegation Request Revised Justification Statement
June 15, 2006
Page 2 of 2

Also shown on the Geometry Plan, for consistency with the site plan and engineering plans, is a small parcel (a portion of Tract 17 A.J. Bendle Subdivision shown on the plat as adjacent) purchased by the owner adjacent to the plat to accommodate the joint access drive requested by the Town to replace the platted cul-de-sac. The delegation request does not apply to this parcel which was not included in the "Sterling Villas" plat.

It is my understanding that this item will be scheduled on the July 5, 2006 Town Council agenda. Please confirm the scheduling once you have reviewed and accepted this submittal.

If you have any questions or require additional information or documentation, please contact me immediately. Thank you for your patient assistance.

Very truly yours,



Linda Connors, AICP

Encls.

12-14-94 11:52 AM
OR Book 22935 pg 348

94-598321
PLAT BOOK 157
SHEET 1 OF 6 SHEETS

"STERLING VILLAS"
SUBDIVISION OF 6 APARTMENT UNITS, WITH COMMON AREAS, BROWARD COUNTY, FLORIDA.

LEGAL DESCRIPTION

Know all men by these presents that the undersigned, the County of Broward, Florida, do hereby certify that the following is a true and correct copy of the original plat of the Sterling Villas Subdivision, as shown on the attached plat, and that the same is in full compliance with the provisions of the Florida Statutes, Chapter 177, Florida Statutes, and was accepted for record by the Board of County Commissioners of Broward County, Florida, on this 14th day of December, A.D. 1994.

DEDICATION

Know all men by these presents that the undersigned, the County of Broward, Florida, do hereby certify that the following is a true and correct copy of the original plat of the Sterling Villas Subdivision, as shown on the attached plat, and that the same is in full compliance with the provisions of the Florida Statutes, Chapter 177, Florida Statutes, and was accepted for record by the Board of County Commissioners of Broward County, Florida, on this 14th day of December, A.D. 1994.

ACKNOWLEDGEMENT

I, the undersigned, do hereby certify that the following is a true and correct copy of the original plat of the Sterling Villas Subdivision, as shown on the attached plat, and that the same is in full compliance with the provisions of the Florida Statutes, Chapter 177, Florida Statutes, and was accepted for record by the Board of County Commissioners of Broward County, Florida, on this 14th day of December, A.D. 1994.

SURVEYOR'S CERTIFICATE

I, the undersigned, do hereby certify that the following is a true and correct copy of the original plat of the Sterling Villas Subdivision, as shown on the attached plat, and that the same is in full compliance with the provisions of the Florida Statutes, Chapter 177, Florida Statutes, and was accepted for record by the Board of County Commissioners of Broward County, Florida, on this 14th day of December, A.D. 1994.

BROWARD COUNTY PLANNING COUNCIL

This is to certify that the Sterling Villas Subdivision, as shown on the attached plat, is in full compliance with the provisions of the Florida Statutes, Chapter 177, Florida Statutes, and was accepted for record by the Board of County Commissioners of Broward County, Florida, on this 14th day of December, A.D. 1994.

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT
COUNTY RECORDS DIVISION - RECORDING SECTION

This instrument was filed for record on the 14th day of December, A.D. 1994, at 11:52 AM, and was accepted for record by the Board of County Commissioners of Broward County, Florida, on this 14th day of December, A.D. 1994.

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT
COUNTY RECORDS DIVISION - MINUTES SECTION

This is to certify that the plat contains with the provisions of Chapter 177, Florida Statutes, and was accepted for record by the Board of County Commissioners of Broward County, Florida, on this 14th day of December, A.D. 1994.

BROWARD COUNTY ENGINEERING DIVISION

This plat is approved and accepted for record by the Board of County Commissioners of Broward County, Florida, on this 14th day of December, A.D. 1994.

BROWARD COUNTY DEPARTMENT OF STRATEGIC PLANNING AND GROWTH MANAGEMENT

This plat is approved and accepted for record by the Board of County Commissioners of Broward County, Florida, on this 14th day of December, A.D. 1994.

TOWN PLANNING AND ZONING BOARD

This is to certify that this Plat was approved and accepted by the Planning and Zoning Board of the Town of Sunrise, Broward County, Florida, on this 14th day of December, A.D. 1994.

TOWN COUNCIL

This is to certify that this Plat was approved and accepted by the Town Council of the Town of Sunrise, Broward County, Florida, on this 14th day of December, A.D. 1994.

DEVELOPMENT SERVICES DEPARTMENT

This is to certify that this Plat is approved and accepted by the Department of Development Services of the Town of Sunrise, Broward County, Florida, on this 14th day of December, A.D. 1994.

CENTRAL BROWARD DRAINAGE DISTRICT

This is to certify that this Plat is approved and accepted by the Central Broward Drainage District, on this 14th day of December, A.D. 1994.

PREPARED BY
DELTA SURVEYORS INC.
12855 SW 15th Street, Miami, FL 33186
305-551-1234

Exhibit 4 (Proposed Relocating of Retention areas and Drainage Easements)

CFN # 105990061, OR BK 41855 Page 212, Page 1 of 6, Recorded 04/19/2006 at 04:20 PM, Broward County Commission, Deputy Clerk 1012

STERLING VILLAS
Return recorded document to:

Please Return To:
CENTRAL BROWARD WATER CONTROL DISTRICT
8020 STIRLING ROAD (DAVIE)
HOLLYWOOD, FLORIDA 33024

Document prepared by:
Gustavo X. Aguirre, Pres.
Associated Engineers of
South Florida, Inc.
5450 Griffin Road
Davie, FL 33314

DRY RETENTION AND FLOWAGE
EASEMENT

THIS EASEMENT is granted this 2nd day of March, 2006, by H.E.M.
Development, Corp. a Florida Corporation

hereinafter called "First Party", to CENTRAL BROWARD WATER CONTROL DISTRICT, 8020 Stirling Road, Hollywood, Florida, hereinafter called "District".

WITNESSETH:

That the said First Party, for an in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid by District, the receipt whereof is hereby acknowledged, does hereby grant and convey to District, its successors and assigns, a perpetual right-of-way and easement to construct, maintain, deepen and keep in repair an open dry detention area together with any necessary pumps and appurtenances incidental or necessary thereto, over and across and through the following described property of the First Party:

See Attached Exhibit "A"

of such character and sufficient size as to make a proper and adequate outlet forever for any drainage system that District, its successors and assigns, may establish, and for any and all purposes necessary, convenient, or incidental to, or in connection with, the construction and operation of drainage works of the District and any appurtenances thereto.

Together with free ingress, egress, and regress across said lands for the purpose of cleaning, maintaining and repairing said drainage facilities.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year first above written.

Witnessed by:

4 RAFAEL BONA FONTE
[Signature]

H.E.M. Development, Corp.
By: [Signature]
Neil Rogers, President

STATE OF FLORIDA
COUNTY OF BERNARD SS.

PERSONALLY APPEARED before me, Neil Rogers as President of H.E.M.
Development, Corp., who acknowledged before me that he/she executed the foregoing instrument for the uses and purposes therein stated.

WITNESS my hand and seal in the County and State last above written, this 2nd day of March, 2006.

Barbara M. Gonzalez
Commission #DD483646
Expires: OCT. 19, 2009
www.AARONNOTARY.com

[Signature]
Notary Public

02/23/2006 09:53 9545842062

ASSOCIATED ENGINEERS

PAGE 10

STERLING VILLAS

CONSENT TO GRANT OF EASEMENT

CONSENT BY

THIS CONSENT to Grant of Easement is executed this 2nd day of March, 2006

by Home Equity Corp.

hereinafter referred to as Mortgagee

RECITALS:

A. H.E.M. Development, Corp., a Florida Corporation

hereinafter referred to as Mortgagee

holder of the following described property, to-wit:

B. Home Equity Corp.

is the holder of a first mortgage

upon said property.

C. H.E.M. Development, Corp.

desires to give an easement to

CENTRAL BROWARD WATER CONTROL DISTRICT of the following described property, to-wit:

D. CENTRAL BROWARD WATER CONTROL DISTRICT requires that the mortgage holder consent to the Grant of Easement.

NOW, THEREFORE, in consideration of the premises and other good and valuable considerations, receipt of which is hereby acknowledged, Home Equity Corp. does hereby agree:

1. That Home Equity Corp. does hereby consent to the grant to CENTRAL BROWARD WATER CONTROL DISTRICT of a perpetual right-of-way and easement over the property described in Paragraph C. above, and does hereby subordinate the lien of its mortgage to the said easement.

IN WITNESS WHEREOF, Home Equity Corp.

has caused this instrument to be executed the day and year first above written.

Witnessed by: RAFAEL BOWATTA

Witnessed by: SALVATORE DAVIDE

STATE OF FLORIDA }
COUNTY OF }

PERSONALLY APPEARED before me, SALVATORE DAVIDE, who acknowledged before me that he executed the foregoing instrument for the uses and purposes therein stated.

WITNESS my hand and seal in the County and State last above written, this 2nd day of March, 2006

PLEASE RETURN TO: Central Broward Water Control District 8020 Sterling Road Hollywood, FL 33024

Barbara M. Gonzalez EXHIBIT O Commission # DD483646 Expires: OCT. 19, 2009 www.AARONOTARY.com

STERLING VILLAS

Please Return To:
CENTRAL BROWARD WATER CONTROL DISTRICT
8020 STIRLING ROAD (DAVIE)
HOLLYWOOD, FLORIDA 33024

SHEET 1 OF 4

EXHIBIT "A"
DRY RETENTION AND FLOWAGE EASEMENT

LEGAL DESCRIPTION

A dry retention and flowage easement being a portion of "Sterling Villas", according to the plat thereof recorded in Plat Book 157, Page 24 of the Public Records of Broward County, Florida, said parcel being more particularly described as follows:

Commence at the Southeast corner of said "Sterling Villas", said point also being the Southeast corner of Lot 1 of said "Sterling Villas", thence N 01° 27' 36" W along the East line of said "Sterling Villas", a distance of 191.02 feet to the POINT OF BEGINNING, thence S 87° 44' 40" W a distance of 80.23 feet to a point on the arc of a tangent curve, concave to the Southeast; thence Westerly, Southwesterly and Southerly along the arc of said curve to the left having a central angle of 89° 12' 13" and a radius of 5.00 feet for an arc distance of 7.78 feet to a point of tangency; thence S 01° 27' 33" E a distance of 41.82 feet to a point on the arc of said curve concave to the North; thence Southerly, Westerly and Northerly along the arc of said curve to the left, having a central angle of 180° 00' 01" and a radius of 11.41 feet for an arc distance of 35.84 feet to a point of tangency, thence N 01° 27' 33" W a distance of 52.03 feet to a point on the arc of a tangent curve concave to the Southeast, thence Northerly and Northeasterly along the arc of said curve to the right, having a central angle of 36° 52' 12" and a radius of 10.00 feet for an arc distance of 6.44 feet to a point of reverse curvature of a curve concave to the Northwest, thence Northeasterly and Northerly along the arc of said curve, to the right having a central angle of 37° 09' 27" and a radius of 10.00 feet for an arc distance of 6.49 feet to a point of tangency; thence N 01° 27' 33" W a distance of 119.01 feet to a point on the arc of a tangent curve concave to the Southwest, thence Northerly and Northwesterly, along the arc of said curve, to the left, having a central angle of 62° 11' 33" and a radius of 5.00 feet for an arc distance of 5.43 feet to a point of tangency; thence N 63° 39' 06" W, a distance of 10.01 feet to a point on the arc of a tangent curve concave to the Southwest; thence Northwesterly and Westerly, along the arc of said curve, to the left, having a central angle of 27° 48' 27" and a radius of 10.00 feet for an arc distance of 4.85 feet to a point of tangency; thence S 88° 32' 27" W, a distance of 33.95 feet to a point on the arc of a tangent curve, concave to the Northeast, thence Westerly, Northwesterly and Northerly along the arc of said curve to the left, having a central angle of 85° 42' 55" and a radius of 13.00 feet, for an arc distance of 19.45 feet to a point of tangency; thence N 01° 50' 29" W a distance of 144.16 feet to a point on the arc of a tangent curve, concave to the Southeast, thence Northerly, Northeasterly, and Easterly along the arc of said curve to the right, having a central angle of 93° 15' 44" and a radius of 17.00 feet, for an arc distance of 27.67 feet to a point of tangency; thence S 88° 11' 49" E a distance of 6.68 feet to a point on the arc of a tangent curve, concave to the Southwest, thence Easterly and Southeasterly along the arc of said curve to the right, having a central angle of 78° 56' 03" and a radius of 10.00 feet, for an arc distance of 13.78 feet to a point of tangency; thence S 09° 15' 46" E a distance of 161.28 feet; thence N 84° 14' 24" E a distance of 17.10 feet; thence N 58° 32' 24" E, a distance of 35.08 feet; thence N 88° 32' 27" E, a distance of 54.66 feet to a point on the arc of a tangent curve, concave to the Southwest, thence Easterly, Southeasterly and Southerly along the arc of said curve to the right, having a central angle of 89° 59' 57" and a radius of 10.00 feet, for an arc distance of 15.71 feet to a point of tangency, said point being on the east line of said "Sterling Villas"; thence S 01° 27' 36" E along said East line a distance of 158.61 feet to the POINT OF BEGINNING.

(SEE SHEET 3 OF 4 FOR SKETCH OF ABOVE DESCRIPTION)

I HEREBY CERTIFY: THAT THE ATTACHED SKETCH AND DESCRIPTION CONFORMS TO CHAPTER 21H1-6.06 (1) (FLORIDA ADMINISTRATIVE CODE), AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

NOTE: THE UNDERSIGNED AND ASSOCIATED ENGINEERS OF SOUTH FLORIDA, INC. MAKES NO REPRESENTATIONS NOR GUARANTEES AS TO THE COMPLETENESS OF THE INFORMATION REPRESENTED HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, RESERVATIONS, AGREEMENTS OR OTHER MATTERS OF PUBLIC RECORD. THIS INSTRUMENT IS INTENDED TO REFLECT OR SET FORTH ONLY THOSE ITEMS SHOWN IN THE REFERENCE ABOVE. AECOSF DID NOT RESEARCH THE PUBLIC RECORDS IN CONNECTION WITH THE LANDS DESCRIBED HEREON. THIS INSTRUMENT IS THE PROPERTY OF AECOSF AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION FROM AECOSF.

Francisco Aguirre
FRANCISCO AGUIRRE
PROFESSIONAL SURVEYOR AND MAPPER No. 3384
STATE OF FLORIDA

REVISIONS/UPDATES: _____
DATED: 02/28/06

SCALE: _____ DRAWN BY: A.B. CHECKED BY: G.X.A. SHEET 1 OF 4 PROJECT No.: 2005-107



ASSOCIATED ENGINEERS OF SOUTH FLORIDA, INC.
PLANNING • STUDIES • DESIGN • INSPECTION SERVICES
4000 SHOPPING ROAD • SUITE 204 • DAVIE, FL 33414
PHONE: 954-888-1111 FAX: 954-888-1112
CERTIFICATE OF AUTHORIZATION NO. 10722

FOR:
HEM DEVELOPERS, CORP.

PROJECT:
**STERLING TOWNHOMES
DRY RETENTION &
FLOWAGE EASEMENT
SKETCH AND
DESCRIPTION**

STERLING VILLAS

SHEET 2 OF 4

EXHIBIT "A"
DRY RETENTION AND FLOWAGE EASEMENT
LEGAL DESCRIPTION (CONTINUATION)

AND

Begin at the Southeast corner of said "Sterling Villas", said point also being the Southeast corner of said Lot 1 "Sterling Villas"; thence S 87° 44' 40" W, along the South line of said "Sterling Villas", a distance of 298.00 feet to a point on the West line of said "Sterling Villas"; thence N 01° 27' 33" W, along said West line a distance of 565.60 feet to a point on the North line of said "Sterling Villas"; thence N 88° 32' 27" E, a distance of 53.94 feet; thence S 31° 27' 33" E, a distance of 41.21 feet the previous (2) courses being coincident with the North line of said "Sterling Villas"; thence S 88° 32' 27" W, a distance of 49.54 feet to a point on the arc of a tangent curve, concave to the Southeast; thence Westerly, Southwesterly and Southerly along the arc of said curve, to the left, having a central angle of 90° 00' 00" and a radius of 5.00 feet to an arc distance of 7.85 feet to a point of tangency; thence S 01° 27' 33" E, along a line tangent to the last described curve a distance of 400.00 feet to a point on the arc of a tangent curve, concave to the Northeast; thence Southerly, Southeasterly and Easterly along the arc of a said curve, to the right having a central angle of 90° 00' 00" and a radius of 5.00 feet for an arc distance of 7.85 feet to a point of tangency; thence N 88° 32' 27" E, a distance of 49.92 feet to a point on the arc of a tangent curve, concave to the Southwest; thence Easterly, Southeasterly and Southerly along the arc of said curve, to the right, having a central angle of 89° 12' 13" and a radius of 17.00 feet for an arc distance of 26.47 feet to a point of tangency; thence S 02° 15' 20" E, along a line tangent to the last described curve, a distance of 75.86 feet; to a point on the arc of a tangent curve, concave to the Northeast; thence Southerly, Southeasterly and Easterly, along the arc of said curve, to the left, having a central angle of 90° 00' 00" and a radius of 5.00 feet for an arc distance of 7.85 feet to a point of tangency; thence N 87° 44' 40" E, along a line tangent to the last described curve, a distance of 180.00 feet to a point on the arc of a tangent curve, concave to the Northwest; thence Easterly, Northeasterly and Northerly, along the arc of said curve, to the left, having a central angle of 90° 00' 00" and a radius of 5.00 feet for an arc distance of 7.85 feet to a point of tangency; thence N 02° 15' 20" W, along a line tangent to the last described curve, a distance of 24.93 feet to a point on the arc of a tangent curve, concave to the Southeast; thence Northerly, Northeasterly and Easterly, along the arc of said curve, to the right, having a central angle of 92° 15' 20" and a radius of 5.00 feet for an arc distance of 8.05 feet to a point of tangency; thence S 90° 00' 00" E, along a line tangent to the last described curve, a distance of 10.24 feet to a point on said East line; thence S 01° 27' 36" E, along said East line, a distance of 55.53 feet to the Point of Beginning.

(See Sheet 4 of 4 for sketch of above description).

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

NOTES:

1. The property shown hereon was not abstracted for ownership, rights-of-way, easements or other matters of record.
2. This sketch is "not valid" without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.
3. The bearings shown hereon are based on the N 01° 27' 36" W, along the East of "Sterling Villas", Plat Book 157, Page 24, Broward County Records.
4. This sketch does not represent a Field Survey. (This is not a survey).
5. This sketch of description was prepared by this firm without the benefit of a title search. The legal description shown hereon was authored by Associated Engineers of South Florida, Inc.

Please Return To:
 CENTRAL BROWARD WATER CONTROL DISTRICT
 8020 SIMMONS ROAD (DAVIE)
 HOLLYWOOD, FLORIDA 33024

05-107 legal des

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND DESCRIPTION CONFORMS TO CHAPTER 21HH-6.06 (1) (FLORIDA ADMINISTRATIVE CODE), AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

NOTE: THE UNDERSIGNED AND ASSOCIATED ENGINEERS OF SOUTH FLORIDA, INC. MAKES NO REPRESENTATIONS NOR GUARANTEES AS TO THE COMPLETENESS OF THE INFORMATION REPRESENTED HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, RESERVATIONS, AGREEMENTS OR OTHER MATTERS OF PUBLIC RECORD. THIS INSTRUMENT IS INTENDED TO REFLECT OR SET FORTH ONLY THOSE ITEMS SHOWN IN THE REFERENCE ABOVE. AEOSEF DID NOT RESEARCH THE PUBLIC RECORDS IN CONNECTION WITH THE LANDS DESCRIBED HEREON. THIS INSTRUMENT IS THE PROPERTY OF AEOSEF AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION FROM AEOSEF.

Francisco Aguirre
 FRANCISCO AGUIRRE
 PROFESSIONAL SURVEYOR AND MAPPER No. 3354
 STATE OF FLORIDA

REVISIONS/UPDATES: _____
 DATED: 02/28/06

SCALE: _____ DRAWN BY: A.B. CHECKED BY: G.X.A. SHEET 2 OF 4 PROJECT No.: 2005-107

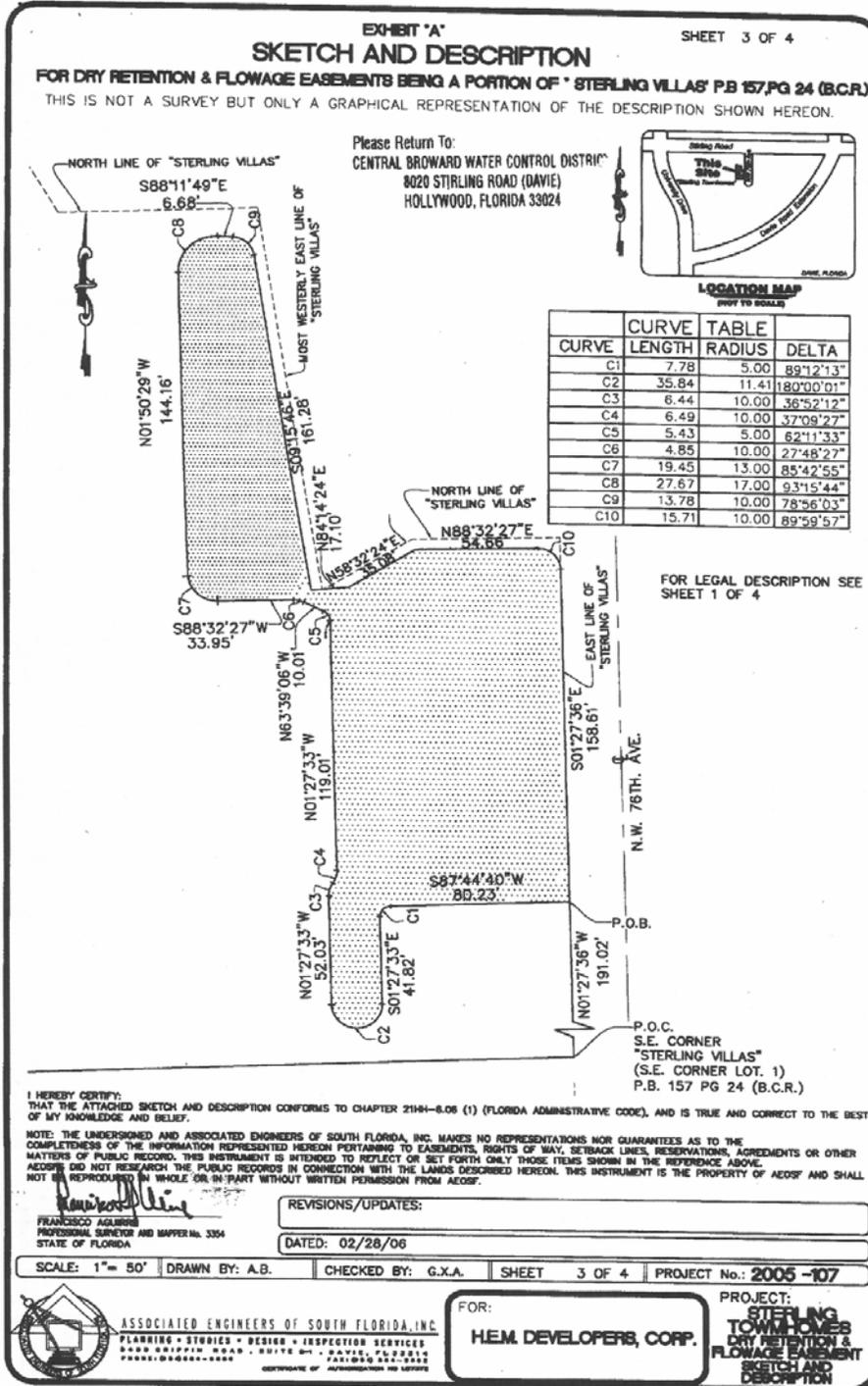


ASSOCIATED ENGINEERS OF SOUTH FLORIDA, INC.
 PLANNING • STUDIES • DESIGN • INSPECTION SERVICES
 8000 SIMMONS ROAD, SUITE 201, DAVIE, FLORIDA 33024
 PHONE: 954-275-8888

FOR:
HEM DEVELOPERS, CORP.

PROJECT:
STERLING TOWNHOMES DRY RETENTION & FLOWAGE EASEMENT SKETCH AND DESCRIPTION

STERLING VILLAS



STERLING VILLAS

EXHIBIT 'A'
SKETCH AND DESCRIPTION

SHEET 4 OF 4

FOR DRY RETENTION & FLOWAGE EASEMENTS BEING A PORTION OF 'STERLING VILLAS' P.B. 157, PG. 24 (B.C.R.)
THIS IS NOT A SURVEY BUT ONLY A GRAPHICAL REPRESENTATION OF THE DESCRIPTION SHOWN HEREON.

Please Return To:
CENTRAL BROWARD WATER CONTROL DISTRICT
8020 STIRLING ROAD (DAVIE)
HOLLYWOOD, FLORIDA 33024

CURVE	CURVE LENGTH	TABLE RADIUS	DELTA
C1	8.05	5.00	92°15'20"
C2	7.85	5.00	90°00'00"
C3	7.85	5.00	90°00'00"
C4	26.47	17.00	89°12'13"
C5	7.85	5.00	90°00'00"
C6	7.85	5.00	90°00'00"

FOR LEGAL DESCRIPTION SEE SHEET 2 OF 4

P.O.B. 55.53'
S.E. CORNER 'STERLING VILLAS' P.B. 157 PG. 24 (B.C.R.)
N.W. 76TH. AVE.

I HEREBY CERTIFY:
THAT THE ATTACHED SKETCH AND DESCRIPTION CONFORMS TO CHAPTER 21HH-6.06 (1) (FLORIDA ADMINISTRATIVE CODE), AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

NOTE: THE UNDERSIGNED AND ASSOCIATED ENGINEERS OF SOUTH FLORIDA, INC. MAKES NO REPRESENTATIONS NOR GUARANTEES AS TO THE COMPLETENESS OF THE INFORMATION REPRESENTED HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, RESERVATIONS, AGREEMENTS OR OTHER MATTERS OF PUBLIC RECORD. THIS INSTRUMENT IS INTENDED TO REFLECT OR SET FORTH ONLY THOSE ITEMS SHOWN IN THE REFERENCE ABOVE. AEOSEF DID NOT RESEARCH THE PUBLIC RECORDS IN CONNECTION WITH THE LANDS DESCRIBED HEREON. THIS INSTRUMENT IS THE PROPERTY OF AEOSEF AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION FROM AEOSEF.

FRANCISCO AGUIRRE
PROFESSIONAL SURVEYOR AND MAPPER No. 3384
STATE OF FLORIDA

REVISIONS/UPDATES:
DATED: 02/28/06

SCALE: 1" = 50' DRAWN BY: A.B. CHECKED BY: G.X.A. SHEET 4 OF 4 PROJECT No.: 2005-107

FOR: H.E.M. DEVELOPERS, CORP.
PROJECT: STERLING TOWNHOMES DRAINAGE EASEMENTS SKETCH AND DESCRIPTION

Exhibit 5 (Sketch and Description of Deletion of Utility Easements)

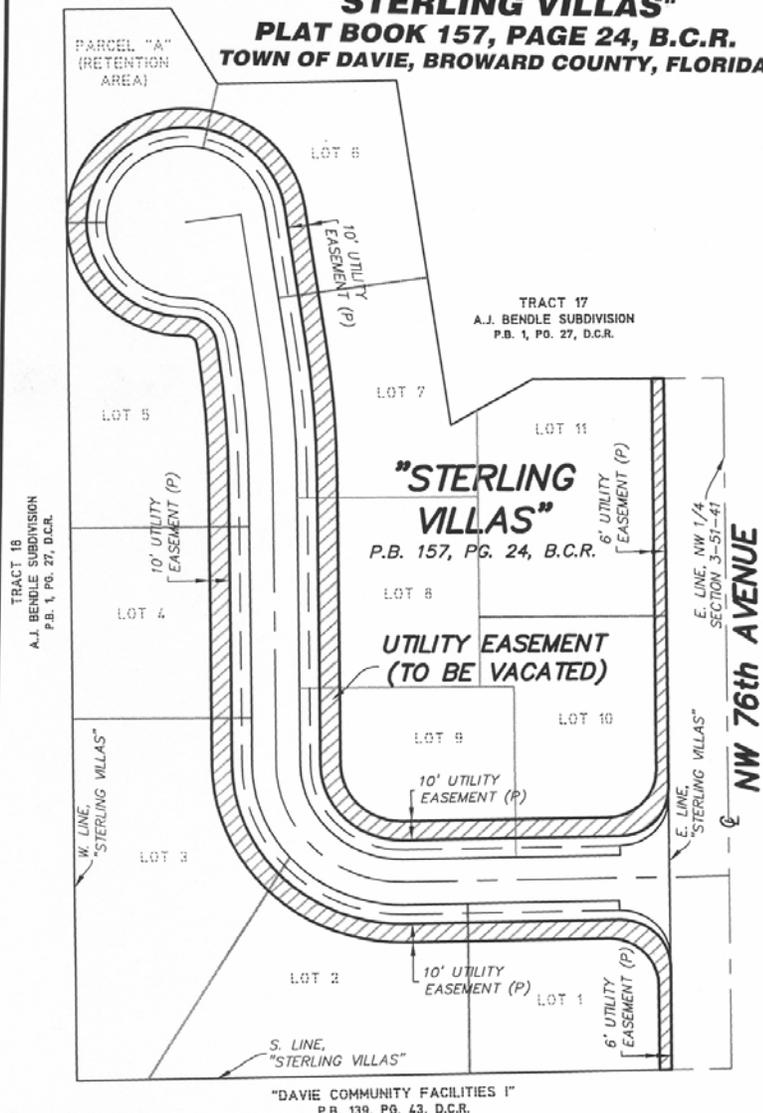


4341 S.W. 62nd Avenue
Davie, Florida 33314

Tel. (954) 585-0997
Fax (954) 585-3927

RECORDING AREA

**SKETCH AND DESCRIPTION FOR:
THE VACATION OF A UTILITY EASEMENT:
A PORTION OF:
"STERLING VILLAS"
PLAT BOOK 157, PAGE 24, B.C.R.
TOWN OF DAVIE, BROWARD COUNTY, FLORIDA**



LEGEND:

- P.B. . . . PLAT BOOK
- PG. . . . PAGE
- B.C.R. . . . BROWARD COUNTY RECORDS
- L.B. . . . LICENSED BUSINESS
- — — BREAK IN LINE SCALE
- ⊕ . . . CENTERLINE
- (P) . . . PLAT DATA



LEGAL DESCRIPTION:

That certain 10 Foot Utility Easement being a portion of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and Parcel "A", "STERLING VILLAS", according to the Plat thereof recorded in Plat Book 157, Page 24 of the Public Records of Broward County.

NOTES:

1. The property shown hereon was not abstracted for ownership, rights-of-way, easements or other matters of record.
2. This sketch is "not valid" without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.
3. The information shown hereon is based on the plat of "Sterling Villas", Plat Book 157, Page 24, Broward County Records.
4. This Sketch does not represent a Field Survey. (This is not a survey).
5. This Sketch of Description was prepared by this firm without the benefit of a title search. The legal description shown hereon was authored by Stoner & Associates, Inc.
6. The intended display scale of the drawing shown hereon is 1 inch = 80 feet.

CERTIFICATE:

THIS IS TO CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.07, FLORIDA STATUTES.

REVISIONS	DATE	BY

James D. Stoner
PROFESSIONAL SURVEYOR AND MAPPER NO. 4039 - STATE OF FLORIDA

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

SKETCH NO. 02-6356-VUE

DATE: Jun 14, 2006 - 2:51pm EST FILE: G:\Draw\Stoner\Sterling Townhomes\dwg\02-6356-DE-vacate util-sidewalk-swale.dwg

DATE OF SKETCH: 6/13/06 DRAWN BY: THK CHECKED BY: JDS FIELD BOOK: N/A

SHEET 1 OF 1

Exhibit 6 (Sketch and Description of Deletion of Sidewalk and Swale Easements)



STONER & ASSOCIATES, INC.

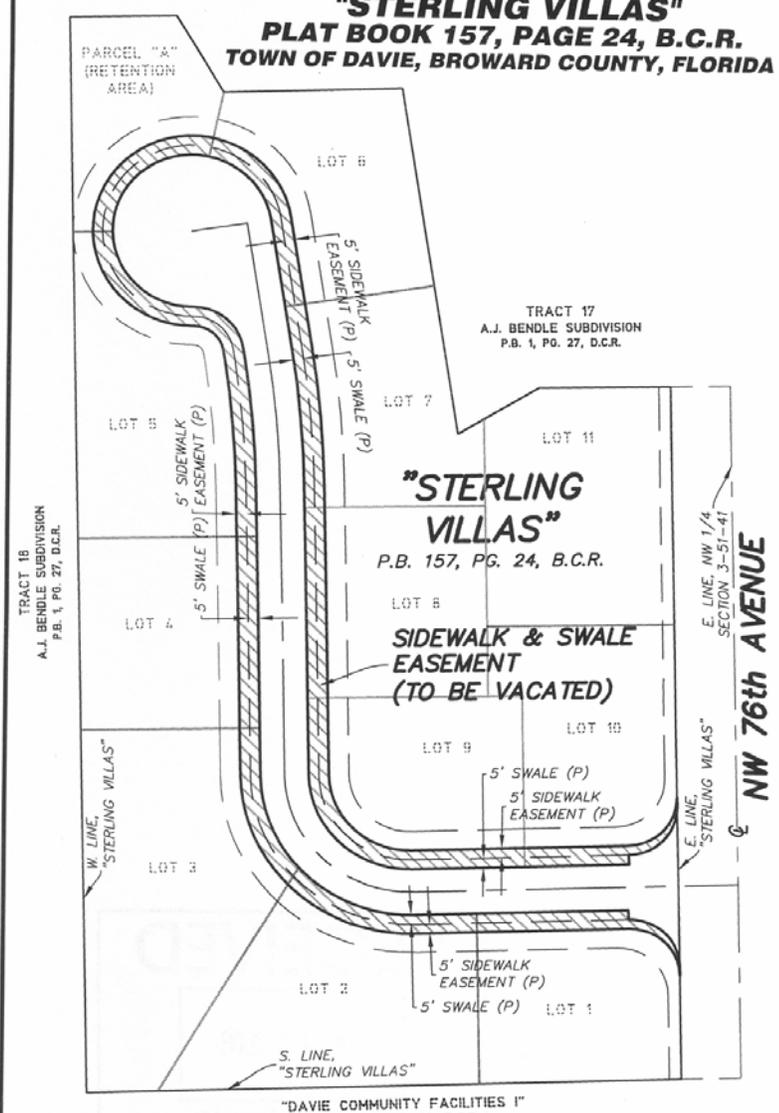
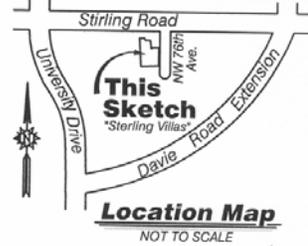
4341 S.W. 62nd Avenue
Davie, Florida 33314

SURVEYORS - MAPPERS
L.B. 6633

Tel. (954) 585-0997
Fax (954) 585-3927

RECORDING AREA

**SKETCH AND DESCRIPTION FOR:
THE VACATION OF A SIDEWALK & SWALE EASEMENT:
A PORTION OF:
"STERLING VILLAS"
PLAT BOOK 157, PAGE 24, B.C.R.
TOWN OF DAVIE, BROWARD COUNTY, FLORIDA**



TRACT 17
A.J. BENDLE SUBDIVISION
P.B. 1, PG. 27, D.C.R.

"STERLING VILLAS"
P.B. 157, PG. 24, B.C.R.

SIDEWALK & SWALE EASEMENT (TO BE VACATED)

- LEGEND:**
- P.B. . . . PLAT BOOK
 - PG. . . . PAGE
 - B.C.R. . . . BROWARD COUNTY RECORDS
 - LB. . . . LICENSED BUSINESS
 - . . . BREAK IN LINE SCALE
 - C . . . CENTERLINE
 - (P) . . . PLAT DATA

LEGAL DESCRIPTION:

That certain Sidewalk & Swale Easement being a portion of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and Parcel "A", "STERLING VILLAS", according to the Plat thereof recorded in Plat Book 157, Page 24, of the Public Records of Broward County.

- NOTES:**
1. The property shown hereon was not abstracted for ownership, rights-of-way, easements or other matters of record.
 2. This sketch is "not valid" without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.
 3. The information shown hereon is based on the plat of "Sterling Villas", Plat Book 157, Page 24, Broward County Records.
 4. This Sketch does not represent a Field Survey. (This is not a survey).
 5. This Sketch of Description was prepared by this firm without the benefit of a title search. The legal description shown hereon was authored by Stoner & Associates, Inc.
 6. The intended display scale of the drawing shown hereon is 1 inch = 80 feet.

CERTIFICATE:
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REVISIONS	DATE	BY

James D. Stoner
PROFESSIONAL SURVEYOR AND MAPPER NO. 4939 - STATE OF FLORIDA

DATE OF SKETCH: 6/13/06 DRAWN BY: THK CHECKED BY: JDS FIELD BOOK: N/A

DATE: Jun 14, 2006 - 2:51pm EST

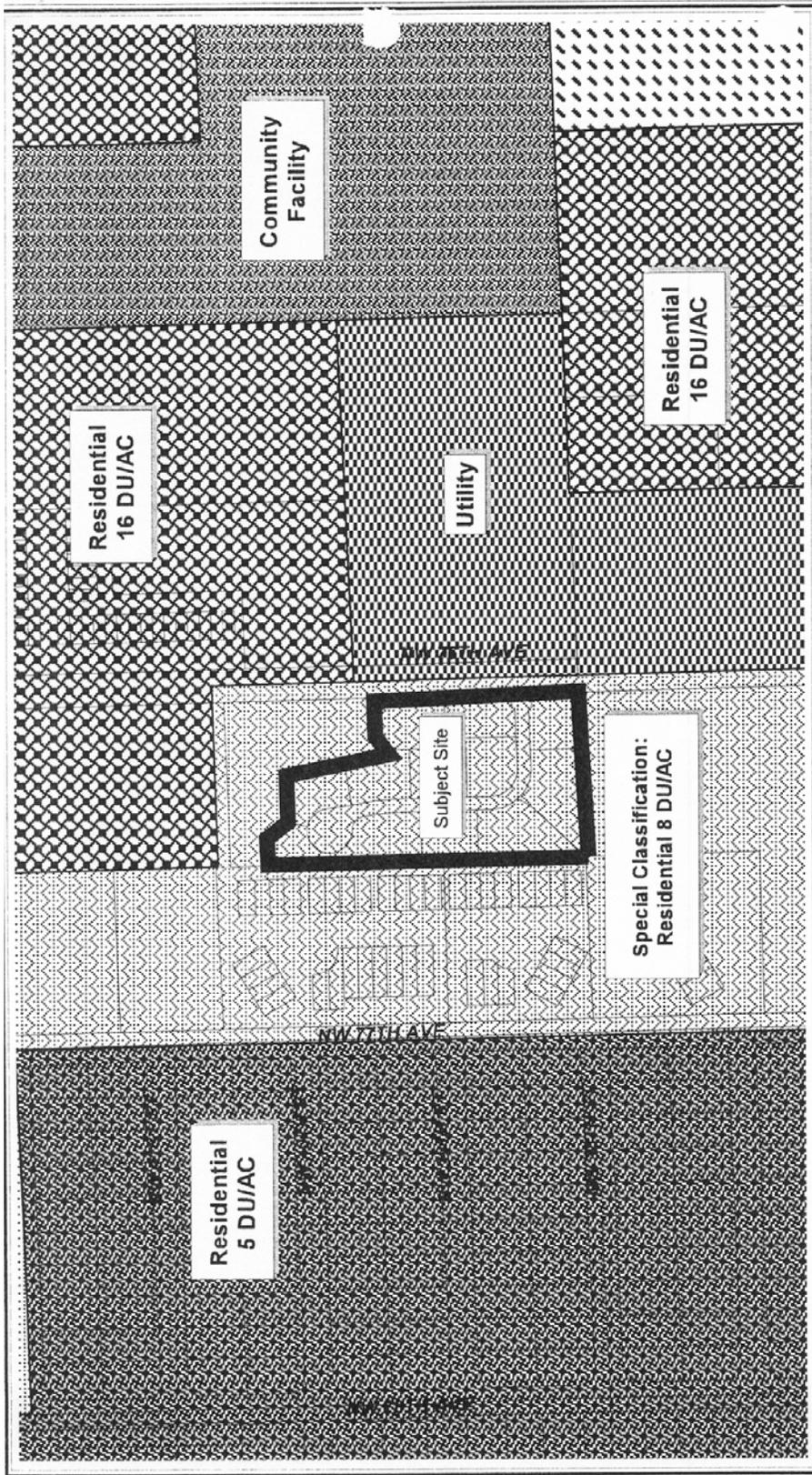
FILE: G:\Draw\Stoner\Sterling Townhomes\dwg\02-6356-DE-vacate util-sidewalk-swale.dwg

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

SHEET 1 OF 1

SKETCH NO. 02-6356-VSW

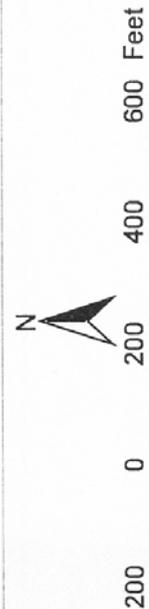
Exhibit 7 (Future Land Use Map)



SITE PLAN

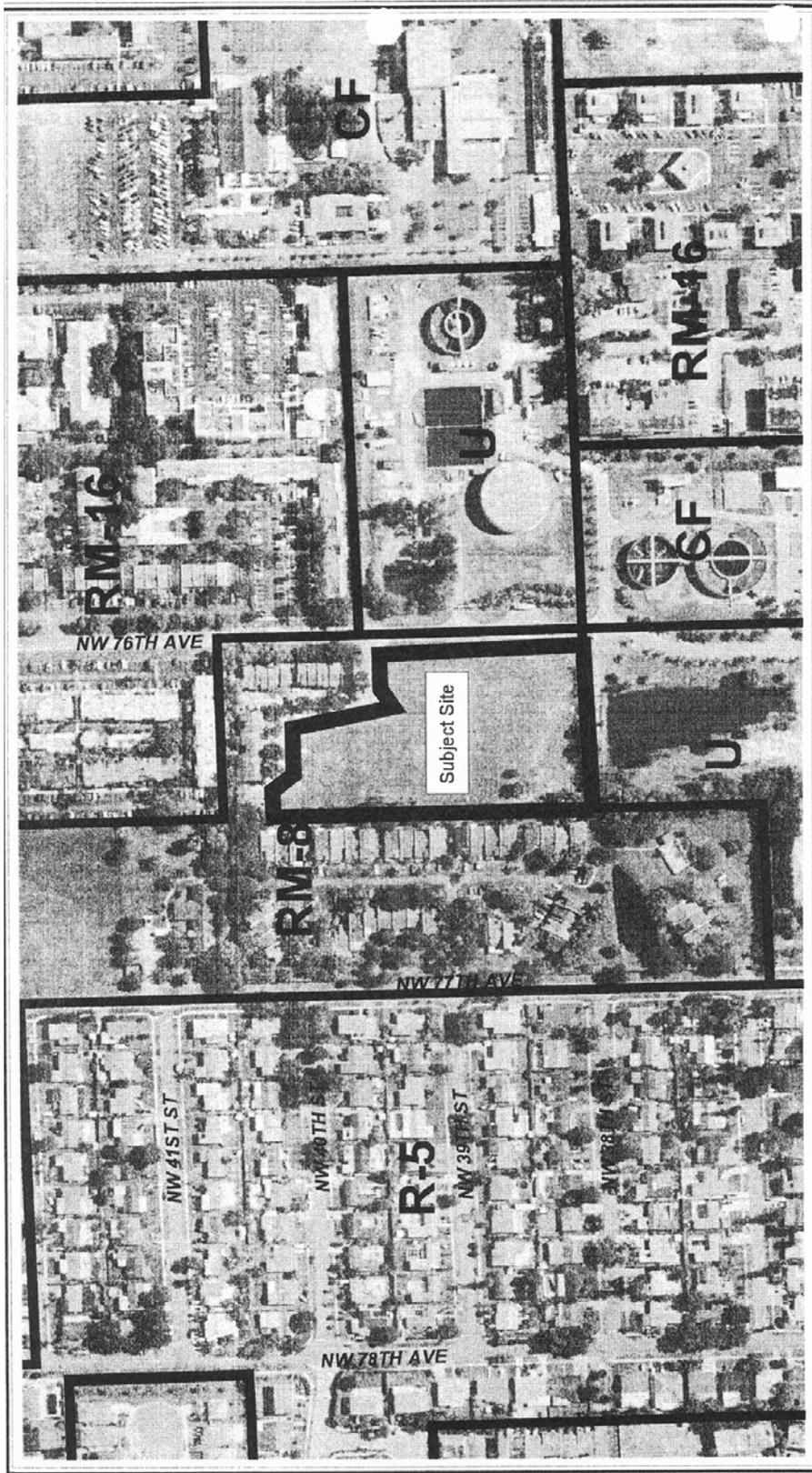
Future Land Use Map

Prepared By: TAV
Date Prepared: 6/4/03



Planning & Zoning Division - GIS

Exhibit 8 (Aerial, Zoning, and Subject Site Map)



Date Flown:
12/31/00



200 0 200 400 600 Feet

Planning & Zoning Division - GIS



SITE PLAN

Zoning and Aerial Map

Prepared By: TAV
Date Prepared: 6/4/03