6.1
PUBLIC HEARING

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: David Qugley, AICP, Planning and Zoning Manager/(954) 797-1075

PREPARED BY: Maria C Sanchez, Planner II

SUBJECT: Quasi Judicial Hearing, Vacation Application: VA 6-1-08/08-97/Ross/4301 Southwest 95th Avenue/Generally located on the west side of SW 95th Avenue, east of Tree Tops Park and north of Orange Drive

AFFECTED DISTRICT: District 2

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION APPLICATION VA 6-1-08 "ROSS", VACATING PORTIONS OF RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 6-1-08, Ross, 4301 SW 95 Avenue)

REPORT IN BRIEF: The petitioner proposes to vacate a portion of the 30 foot right-of-way (Per Plat Book 2, Page 26 of the Public Records of Miami-Dade County, Florida) which is located on the western side of the subject site, running north/south (see attached sketch and legal description).

The Town of Davie has no roadway construction plans at this time for said portion of right-of-way. Presently, this portion of right-of-way does not serve as access for Tree Tops Park nor the adjacent residential neighborhood. Furthermore, the petitioner has supplied staff with the required letters of no objection from public and private utilities and Broward County Public Works & Transportation Real Property Section.

PREVIOUS ACTIONS: On November 19, 2008, Town Council tabled this to the December 3, 2008 meeting.

CONCURRENCES: On September 22, 2008 Open Space Committee meeting, Vice Chair Greck made a motion, that was seconded by Ms. Pellicane, to recommend the right-of-way not be vacated. In a voice vote, the motion passed unanimously.

At the October 22, 2008 Planning and Zoning Board meeting, Mr. Busey made a motion, seconded by Mr. DeArmas, to table to November 12, 2008, for further information. In a roll call vote, the vote was as follows: Chair McLaughlin – yes; Vice-Chair Stevens – no; Mr. Busey – yes; Mr. DeArmas – yes; Ms. Turin – absent. **(Motion carried 3-1)**

At the November 12, 2008 Planning and Zoning Board meeting, Mr. Busey made a motion, seconded by Mr. DeArmas, to approve subject to the stipulations which the applicant had agreed to [1) not to enlarge the stable/barn structure and 2) to move all the fences to the center line of the old right-of-way which would be the new property line]. In a roll call vote, the vote was as follows: Chair McLaughlin – yes; Vice-Chair Stevens – absent; Mr. Busey – yes; Mr. DeArmas – yes; Ms. Turin – no. **(Motion carried 3-1)**

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration subject to the completion of this vacation application through Broward County's process.

Note that if the Council accepts the recommendation of the Planning and Zoning Board, which would prohibit the landowner from enlarging the stable and require relocation of the existing fence, some additional action, such as a restrictive covenant, might be necessary to ensure that future purchasers are aware of the restriction.

Attachment(s): Ordinance, Staff Report

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION APPLICATION VA 6-1-08 "ROSS" VACATING PORTION OF RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the petitioner (Ross) proposes to vacate a thirty (30) foot right-of-way (Per Plat Book 2, Page 26 of the Public Records of Miami-Dade County, Florida); and,

WHEREAS, this proposed vacation application was considered by the Town's Open Space Committee on September 22, 2008 and the Planning and Zoning Board on October 22, 2008; and,

WHEREAS, vacation of this right-of-way will not adversely affect access to adjoining properties and will not be in conflict with the public interest; and,

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, and a public hearing was held on the date of the adoption of this ordinance.

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

SECTION 1. That the right-of-way hereinafter described be vacated:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

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 portion of this Ordinance.

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

PASSED ON FIRST READING THIS_____DAY OF_____, 2008.

PASSED ON SECOND READING THIS_____DAY OF_____, 2008.

_____

ATTEST: MAYOR/COUNCILMEMBER

_____

TOWN CLERK

APPROVED THIS _____ DAY OF _____ , 2008.

Exhibit "A"
Application: VA 6-1-08/08-97/Ross
Original Report Date: 10/3/08 **Revision(s):** November 14, 2008

TOWN OF DAVIE

Planning & Zoning Division

Staff Report and Recommendation

Applicant Information

Petitioner:

Name: David Ross
Address: 4301 SW 95th Avenue
City: Davie, Florida 33328
Phone: (954) 415-6767

Background Information

Date of Notification: October 10, 2008 **Number of Notifications:** 58

Application Request: The petitioner requests to vacate a thirty foot right-of-way (Per Plat Book 2, Page 26 of the Public Records of Miami-Dade County, Florida)

Address: 4301 SW 95th Avenue

Location: Generally located on the westside of SW 95th Avenue, east of Tree Tops Park and north of Orange Drive (Southwest 45th Street)

Future Land Use Plan Map: Residential 1 DU/AC

Existing Zoning(s): A-1, Agricultural District

Proposed Zoning(s): n/a

Existing Use(s): The subject site is a public right-of-way with a structure (no-permit) encroaching on its eastern property line.

Proposed Use(s): Increase square footage for residential lot size

Parcel Size: The current lot size is more or less 64,510 square feet. The area of land proposed to be vacated is approximately 6,000 square feet.

Proposed Density: n/a

	Surrounding Use(s):	Surrounding Land Use Plan Map Designation(s):
North:	Single-Family Homes	Residential 1 DU/Acre
South:	Single-Family Homes	Residential 1 DU/Acre
East:	Single-Family Homes	Residential 1 DU/Acre
West:	Tree Tops Park	Residential 1 DU/Acre

	Surrounding Zoning(s):
North:	A-1, Agricultural District
South:	A-1, Agricultural District
East:	A-1, Agricultural District
West:	RS, Recreation/Open Space

Zoning History

Related Zoning History:
Records indicate that the existing Future Land Use Plan Map designation and Zoning classification was in place at the time of annexation.

Applicable Codes and Ordinances

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

Land Development Code (Section 12-24 (J)(15)), the RS, Recreation/Open Space District. The RS District is intended to implement the parks and recreation classification of the Town of Davie Comprehensive Plan by providing areas for the development of nonprofit active or passive recreational facilities and the preservation of open space.

Land Development Code (Section 12-310), review for vacations or abandonment's of Right-of-Way.

Land Development Code (Section 12-24) (I)(1), Agricultural (A-1)) Districts: The A-1 District is intended to implement the agricultural and residential one (1) unit per acre classification of the Town of Davie Future Land Use Plan and to maintain, protect and encourage the continuance of a productive agricultural community in Davie by ensuring that developments are buffered from agricultural uses.

Land Development Code (Section 12-81): The development standards that govern the construction of single-family dwelling units in the agricultural district. The A-1, Agricultural District requires the following minimums: lot area of 35,000 square feet, 140'minimum lot frontage, 40'-50' front setback, 30' side setbacks, 35' rear setback, 35' maximum building height, and 25 percent maximum building coverage.

Comprehensive Plan Considerations

Planning Area:
The subject property falls within Planning Area 2. Planning Area 2 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 SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan:
The subject site falls within Flexibility Zone 100

Applicable Goals, Objectives & Policies:
Future Land Use Plan, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Staff Analysis

Pursuant to the Land Development Code, Section 12-310(A)(1), for any proposed vacation or abandoments of right-of-way, the Planning and Zoning Board shall make a recommendation upon the application to the Town Council, as to whether or not:

(a) It will adversely affect access to neighboring properties.

This portion of right-of-way does not serve as access to Tree Tops Park nor the adjacent residential neighborhood. Furthermore, the petitioner has supplied staff with the required letters of no objection from public and private utilities, as well as Broward County Public Works & Transportation Real Property.

Presently, there are no plans for roadway construction within this right-of-way, nor was there a need for roadway improvements identified in the recently adopted Local Road Master Plan (LRMP) for this location. However, the LRMP addresses future vacations not listed to be considered based on the following:

> *"The goal of any roadway alignment should be to improve accessibility of the area and reduce reliance on a single roadway for access, provide east-west and pedestrian connectivity, and reduce emergency response time to the area."*

The proposed right-of-way vacation to give the 30 foot right-of-way to a single-family property owner will make the possibility of a future connection remote.

(b) It will be in conflict with the public interest.

This vacation of the right-of-way will provide the property owner of this single-family lot extra square footage to their property and is not for the public interest but for the sole benefit of the subject property owner.

Open Space Committee

On September 22, 2008 Open Space Committee meeting, Vice Chair Greck made a motion, that was seconded by Ms. Pellicane, to recommend the right-of-way not be vacated. In a voice vote, the motion passed unanimously.

Staff Recommendation

Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration subject to the completion of this vacation application through Broward County's process, and to further action (ordinance modification or covenant restriction processed by applicant) to implement Planning and Zoning Board recommendation to approve subject to the stipulations which

the applicant had agreed to [1) not to enlarge the stable/barn structure and 2) to move all the fences to the center line of the old right-of-way which would be the new property line].

Planning and Zoning Board Recommendation

At the October 22, 2008 Planning and Zoning Board meeting, Mr. Busey made a motion, seconded by Mr. DeArmas, to table to November 12, 2008, for further information. In a roll call vote, the vote was as follows: Chair McLaughlin – yes; Vice-Chair Stevens – no; Mr. Busey – yes; Mr. DeArmas – yes; Ms. Turin – absent. **(Motion carried 3-1)**

At the November 12, 2008 Planning and Zoning Board meeting, Mr. Busey made a motion, seconded by Mr. DeArmas, to approve subject to the stipulations which the applicant had agreed to [1) not to enlarge the stable/barn structure and 2) to move all the fences to the center line of the old right-of-way which would be the new property line]. In a roll call vote, the vote was as follows: Chair McLaughlin – yes; Vice-Chair Stevens – absent; Mr. Busey – yes; Mr. DeArmas – yes; Ms. Turin – no. **(Motion carried 3-1)**

Town Council Action

Exhibits

1. Justification Letter
2. No Objection Letters
3. Survey
4. Sketch and Description of Public Right-of-Way to be vacated
5. Declaration of Easements for Ingress and Egress
6. Open Space Advisory Committee Minutes
7. Radius Map
8. Mailout
9. Future Land Use Plan Map
10. Aerial, Zoning, and Subject Site Map

Prepared by: _____
Reviewed by: _____

File Location: P&Z\Development Applications\Applications\VA_Vacation\VA_07\VA 6-1-08 Ross

Exhibit 1 *(Justification Letter)*

Justification Letter

6/16/08

Town of Davie
Planning & Zoning Division
6591 Orange Drive
Davie, Fl 33314

Re: Petition for Right of Way Vacation adjacent to 4301 SW 95th Ave Davie, Fl

The purpose of this request is to allow for the vacation of a portion of the 30 ft right of way adjacent to the west property line of the above address and as more fully described on the attached survey and as recorded plat book 2 page 26.

The road right of way was platted in 1907. It is unused and no longer necessary. It is a 30 ft strip that runs between the westerly property line of residences on SW 95th Ave and Tree Tops Park. I am requesting to vacate 200 ft of this +-1400 ft right away. Considering this right of way is between Tree Tops Park and the rear property line of residences, it is not necessary for access by either the property owners or Tree Tops Park. A resolution to vacate this right of way by the Town Of Davie is required in order to apply to Broward County to have this portion of the right of way vacated.

Please contact me should you require any additional information. Thank you for your consideration of this request.

Sincerely

David Ross

Exhibit 2 *(No Objection Letters)*

Engineering – Design Department
2601 SW 145th Ave Miramar, Fl 33027

Saturday, May 31, 2008

David Ross
4301 SW 95th Ave
Davie, Fl 33328

RE: **Vacation of 30' R/W abutting 4301 SW 95th Ave Davie, Fl 33328**
Davie, Fl / Broward County
Comcast ID Number: 2814 / Comcast Node DH111

Dear Mr. Ross

Please Be Advised, …in reference to the proposed vacation at **4301 SW 95th Ave Davie, Fl 33328** Comcast has no existing facilities within this subject area and therefore, …have ***no objection*** to the vacation of the 30' R/W as referenced above.

Should you have any further question, please feel free to call me at 1-954-534-7380 fax 1-954-534-7083 or e-mail at Leonard_Maxwell-Newbold@cable.comcast.com

Sincerely,

Leonard Maxwell-Newbold
Regional Permit Administrator
Comcast / Southern Division (RDC)
5/31/2008 2:01:24 PM

cc:
File

MUID #2814 ~ 5/31/2008 2:01:24 PM

CENTRAL BROWARD WATER CONTROL DISTRICT

8020 STIRLING ROAD (DAVIE)
HOLLYWOOD, FLORIDA 33024

TELEPHONE: (954) 432-5110
FAX: (954) 432-8603
E-Mail: mtcrowley@bellsouth.net

BOARD OF COMMISSIONERS

Douglas R. Bell, Chair
Tom Green, Vice-Chair
Kevin Biederman
Judy Ann Bunce
David Donzella
Cris Fardelmann

May 22, 2008

David Ross
4301 SW 95th
Davie, FL 33328

Re: **VACATION OF 30 FT ROAD RIGHT OF WAY**

Dear Mr. Ross:

Please be advised that the Central Broward Water Control District has no objection to the vacate a 30' Road Right of Way that is described as fallow:

> *A portion of the thirty foot (30') road Right of Way lying between tracts 21 and 22, as shown on the Plat of John W. Newman's Survey of the section 29, Township 50 South, Range 41 East, according to the Plat thereof, recorded in Plat Book 2, Page 26 of the Public records of Miami-Dade county, Florida.*

Do not hesitate to call should you have any questions or need more information.

Sincerely,

Michael Crowley
District Manager

MC/cd

PLANNING & DEVELOPMENT
DEPARTMENT

CITY OF
SUNRISE

Phone: (954) 746-3270
Fax: (954) 746-3287

May 9, 2008

David Ross
4301 SW 95th Avenue
Davie, FL 33328

Re: Vacation of 30 Feet of Right-of-Way Abutting 4301 SW 95th Avenue

Dear Mr. Ross:

This letter is being written in response to your letter dated May 5, 2008 regarding the vacation of specific utility easements included within the above referenced property. Please be advised that the City of Sunrise has no objection to the proposed vacations as shown in the attached sketch.

Please feel free to contact me at (954) 746-3285 if you have any further questions.

Sincerely,

CITY OF SUNRISE

Sean F. Dinneen, P.E.
City Engineer

SFD:jem

cc: Mark S. Lubelski, P.E., Director, Planning and Development
Deborah Ball, Real Estate Director
File

at&t

AT&T Florida
8601 W Sunrise Blvd
Plantation, FL 33322
dd7077@att.com

Office: 954.423.6248
Cellular: 954.261.1591
Fax: 954.423.6656

May 16, 2008

Attn: David Ross
4301 SW 95th Av
Davie, FL 33328

RE: Vacate 30FT Right of Way abutting 4301 SW 95th Av, Davie, FL 33328

Dear Mr. Ross:

ATT has no objections to the abandonment of the Right of Way as described in your letter and your survey as:

Portion of 30' ROW lying between tracts 21 & 22. Sec29, Twp 50S, Rge 41E, in Broward County, FL

We have no existing facilities in the area indicated on the survey you supplied.

Additional future utility easements may be required to provide telecommunication services to your area.

If you require additional information please contact me at 954-423-6248.

Sincerely,

Dev Dharamdeo
OSPE-Facility Designer
AT&T Florida

PEOPLES GAS

Easement & Right-of-Way /Plat *Vacation Letter*

To: David Ross
4301 SW 95th Avenue
Davie, Florida 33328

Date: June 3, 2008

Subject: Vacation of 30 Ft right of way abutting 4301 SW 95th Avenue
Davie, Florida 33328

(X) Peoples Gas has no objections to this vacation for the following reasons:
Peoples Gas has no facilities within Right-of-Way proposed for vacation.

Angel L. Quant
South Florida Regional Operations Manager

Prepared By: SW
Atlas Pg:
Reference:

( ) Peoples Gas has facilities within the referenced area to be vacated, however, we have no objections to this vacation providing a utility easement is incorporated in the re-plat, or the applicant will pay for the relocation or replacement of these facilities.

Angel L. Quant
South Florida Regional Operations Manager

Prepared By:
Atlas Pg:

( ) Peoples Gas has facilities within the referenced area to be vacated which cannot be relocated for technical reasons, however, we have no objections to this vacation providing a utility easement, as shown on the attached drawing, is incorporated in the re-plat.

Angel L. Quant
South Florida Regional Operations Manager

Prepared By:
Atlas Pg:

( ) Peoples Gas objects to the proposed vacation for the following reasons:

Angel L. Quant
South Florida Regional Operations Manager

Prepared By:
Atlas Pg:

TECO PEOPLES GAS
(954)-453-0817 Engineering

5101 N.W. 21st AVENUE, SUITE 460
(954) 453-0824

FORT LAUDERDALE, FL. 33309
FAX (954) 453-0804

Florida Power & Light Company

FPL

June 11, 2008

David Ross
4301 SW 95th Ave
Davie, FL 33328
fax 305 620-1633

RE: Vacation of 30 ft right of way abutting 4301 SW 95th ave, Davie Fl

FPL has no objection to vacation of 30' right of way per survey and description dated 4/14/08 by James B. Burns professional Land surveyor with Legal Description: portion of 30' right-of-way lying between tracts 21 & 22 section 29, Twp 50 S, Rge 41 E broward county, florida.

Regards,

James Talley
Project Manager
Florida Power & Light
4000 Davie Road Ext.
Hollywood, FL 33024

954-442-6347

Administration	797-1030	Parks & Recreation	797-1145
Budget & Finance	797-1050	Police Department	693-8200
Development Services	797-1111	Public Works	797-1240
Engineering	797-1113	Town Clerk's Office	797-1023
Fire Department	797-1090	Utilities	327-3742
Human Resources	797-1010		

TOWN OF DAVIE UTILITIES 6591 Orange Drive, Davie, Florida 33314-3399 (954) 327-3

June 11, 2008

David Ross
4301 SW 95 Avenue
Davie, Florida 33328

RE: Right-of-Way Vacation - 4301 SW 95 Avenue, Davie, FL 33328

Dear Mr. Ross:

Please be advised that the Town of Davie Utilities Department has no water or sewer lines in the right-of-way which you are requesting to vacate.

The Utilities Department would have no objection to the vacation of this right-of-way providing any existing utility easements remain in effect. Additionally, should any utility lines be found where an easement does not currently exist, we would request that an easement be provided.

If you have any additional questions, please contact us.

Sincerely,

TOWN OF DAVIE UTILITIES

William T. Peele
Superintendent of Operations

:hkc

David Abramson /Davie
07/11/2008 09:31 AM

To Maria C Sanchez/Davie@Davie
cc
bcc
Subject Fw: DAVID ROSS VACATION APPLICATION 4301 SW95th Ave Davie

FYI...

David M. Abramson
Deputy Planning and Zoning Manager
Development Services Department
Town of Davie
Phone (954) 797-1048
Fax (954) 797-1204

----- Forwarded by David Abramson/Davie on 07/11/2008 09:33 AM -----

ROSSPROPMIAMI@aol .com
06/24/2008 02:11 PM

To david_abramson@DAVIE-FL.GOV
cc
Subject Fwd: DAVID ROSS VACATION APPLICATION 4301 SW95th Ave Davie

From: DAWILSON@broward.org
To: ROSSPROPMIAMI@aol.com
Sent: 6/24/2008 1:46:56 P.M. Eastern Daylight Time
Subj: RE: DAVID ROSS VACATION APPLICATION 4301 SW95th Ave Davie

Mr. Ross,

The County has no objection to you applying to the Town of Davie.

Dale C. Wilson

Assistant Real Estate Officer

Public Works & Transportation

Real Property Section

(954)357-6809

dawilson@broward.org

From: ROSSPROPMIAMI@aol.com [mailto:ROSSPROPMIAMI@aol.com]
Sent: Tuesday, June 24, 2008 11:47 AM
To: Wilson, Dale
Subject: DAVID ROSS VACATION APPLICATION 4301 SW95th Ave Davie

Hi Dale: I submitted my application to Town of Davie. They are requesting I get a letter or email from you that says Broward County has no objections to me applying to Town of Davie to vacate a right of way.

Thanks

David Ross

Gas prices getting you down? Search AOL Autos for fuel-efficient used cars.

Gas prices getting you down? Search AOL Autos for fuel-efficient used cars.

Exhibit 3 *(survey)*

LEGAL DESCRIPTION

THE WEST 322.55 FEET OF THE NORTH 200 FEET OF THE SOUTH 1019 FEET OF TRACT 21 OF JOHN W. NEWMAN'S SURVEY OF SECTION 29, TOWNSHIP 50 SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; SAID LANDS LYING IN BROWARD COUNTY, FLORIDA

CERTIFY TO

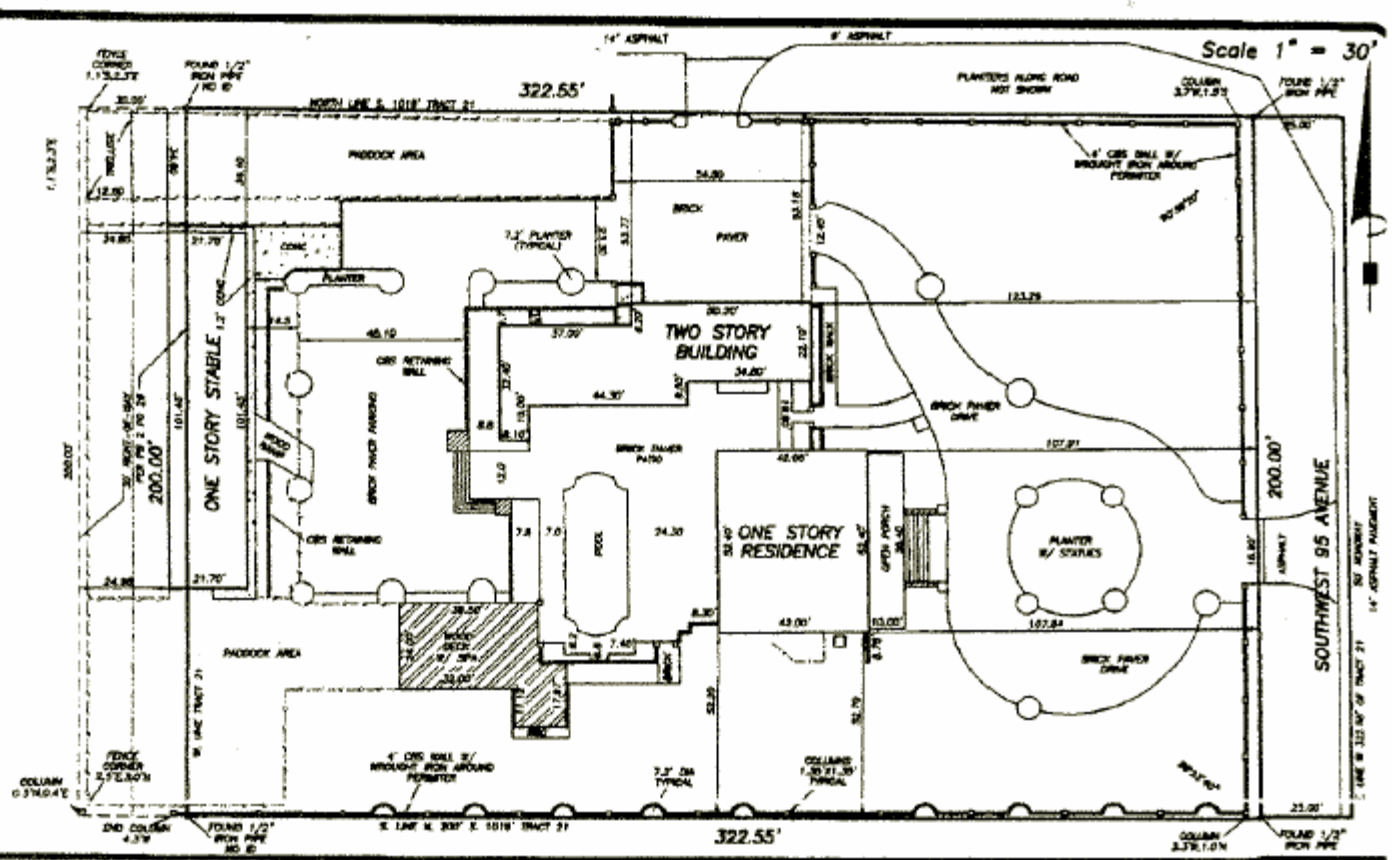
1. DAVID ROSS

LEGEND

CONCRETE

OVERHEAD WIRES

CHAIN LINK FENCE



SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH OF SURVEY SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYS AS SET FORTH IN CHAPTER 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE, THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SYLVESTER A. BURNS PROFESSIONAL LAND SURVEYOR — DATE 06/04/02 — FLORIDA CERTIFICATION NO. 4940

NOTES

1. N/A BEARING BASIS: THE LINE OF BEARS AND ALL OTHER BEARINGS REFERENCE HEREON ARE RELATIVE THERETO.
2. LEGAL DESCRIPTION PROVIDED BY CLIENT.
3. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THIS OFFICE FOR EASEMENTS, RIGHTS-OF-WAYS, OWNERSHIP OR OTHER INSTRUMENTS OF RECORD.
4. SUBSURFACE IMPROVEMENTS, FOOTINGS OR FOUNDATIONS HAVE NOT BEEN LOCATED.
5. [illegible]
6. IN SOME INSTANCES GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE THE RELATIONSHIP BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED PROPORTIONS.
7. THE DIMENSIONS AND DIRECTIONS SHOWN HEREON ARE IN SUBSTANTIAL AGREEMENT WITH RECORD VALUES UNLESS OTHERWISE NOTED.

BURNS & LAND SURVEYING, INC.
LB #0006933

9548 RICHMOND CIRCLE
BOCA RATON, FLORIDA 33434
PHONE: 561-483-7612
FAX: 561-883-6939

TYPE OF SURVEY: BOUNDARY SURVEY	PREPARED FOR: ROSS	FLOOD ZONE / BASE FLOOD ELEV. AH / 3.0
JOB NUMBER: 9-3307	PROPERTY ADDRESS: 4301 SOUTHWEST 95 AVENUE DAVIE, FLORIDA 33327	COMMUNITY PANEL NUMBER: [illegible]
DATE OF FIELD SURVEY: 05/04/02		DATE OF PREV. SURVEY: 10/2/97

Exhibit 4 *(Sketch and Description of Public Right-of-Way to be vacated)*

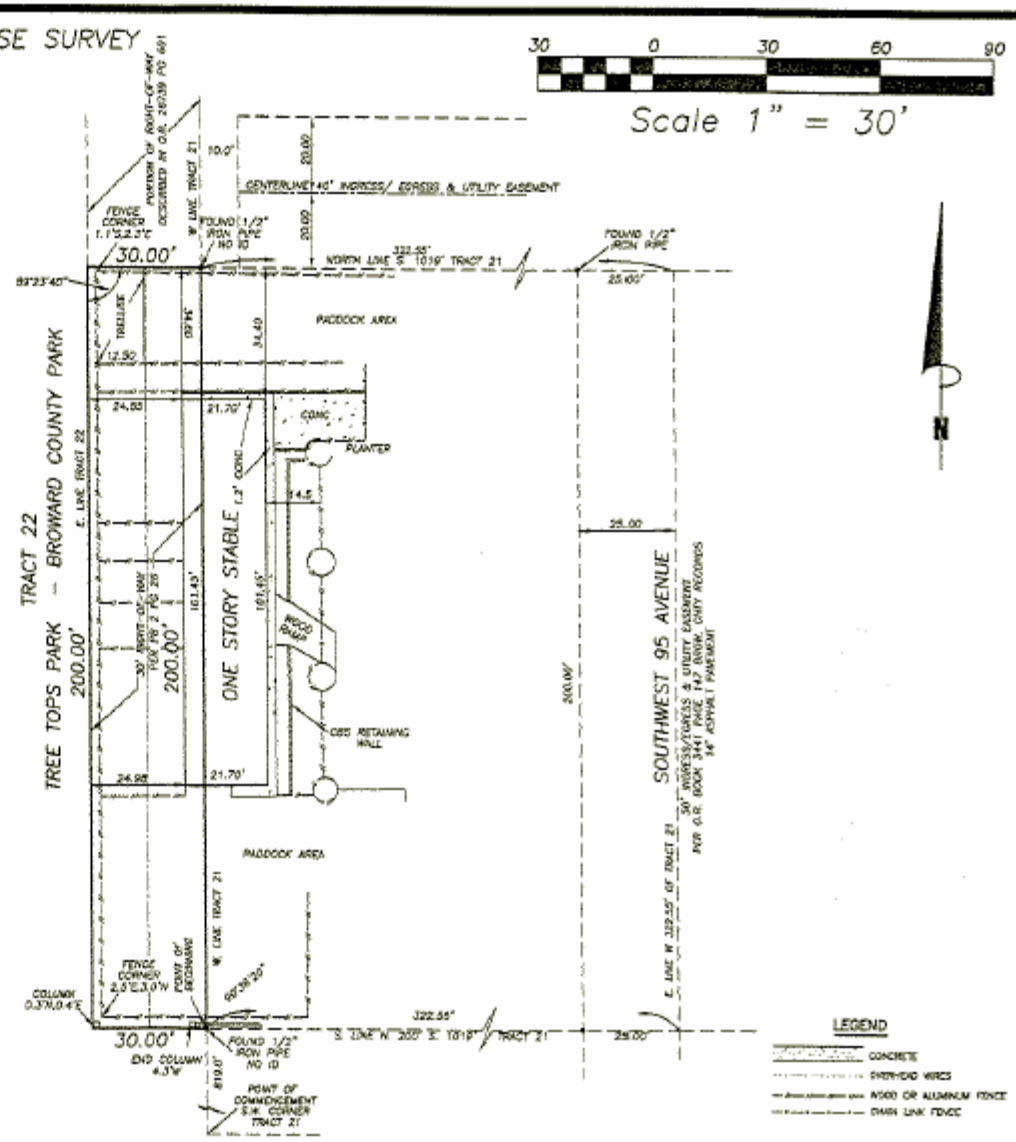
LEGAL DESCRIPTION:

SPECIFIC PURPOSE SURVEY

A PORTION OF THE THIRTY FOOT (30') RIGHT-OF-WAY LYING BETWEEN TRACTS 21 AND 22, AS SHOWN ON THE PLAT OF JOHN W. NEWMAN'S SURVEY OF SECTION 29, TOWNSHIP 50 SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 21, AS SHOWN ON SAID PLAT OF JOHN W. NEWMAN'S SURVEY OF SECTION 29, TOWNSHIP 50 SOUTH, RANGE 41 EAST, THENCE NORTHERLY, ALONG THE WEST LINE OF SAID TRACT 21, FOR A DISTANCE OF 819 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE NORTHERLY, ALONG SAID WEST LINE, FOR A DISTANCE OF 200 FEET TO A POINT LYING 1,019 FEET NORTHERLY OF THE SOUTH LINE OF SAID TRACT 21; THENCE WESTERLY, PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 30 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID TRACT 22; THENCE SOUTHERLY, ALONG THE EAST LINE OF SAID TRACT 22, A DISTANCE OF 200 FEET; THENCE EASTERLY, PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 30 FEET TO THE POINT OF BEGINNING. SAID LANDS CONTAINING 6,000 SQUARE FEET (0.1377 ACRES), MORE OR LESS.

THE PORTION OF THE 30 FOOT RIGHT-OF-WAY DEPICTED HEREON CONTAINS 6,000 SQUARE FEET, 0.14 ACRES, MORE OR LESS.



BURNS LAND SURVEYING, INC.
LB #0006933
3850 NW BOCA RATON BLVD SUITE 3
BOCA RATON, FLORIDA 33431
PHONE: 561-620-8722
FAX: 561-620-8724

TYPE OF SURVEY	PREPARED FOR:	FLOOD ZONE / BASE FLOOD ELEV.
SPECIFIC PURPOSE SURVEY	ROSS	AH / 5.0
JOB NUMBER: 8-3207WC	PROPERTY ADDRESS:	COMMUNITY PANEL NUMBER: 120035-0305-F
DATE OF FIELD SURVEY: 04/11/08	DAVIE, FLORIDA 33327	DATE OF FIRM INDEX: 10/2/97

NOTES

1. N/A BEARING BASE: THE LINE OF BEARS AND ALL OTHER BEARINGS DEPICTED HEREON ARE RELATIVE THERETO.
2. LEGAL DESCRIPTION PROVIDED BY CLIENT.
3. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THIS OFFICE FOR EASEMENTS, RIGHT-OF-WAYS, OWNERSHIP OR OTHER INSTRUMENTS OF RECORD.
4. SUBSURFACE IMPROVEMENTS, FOOTINGS OR FOUNDATIONS HAVE NOT BEEN LOCATED.
5. ELEVATIONS ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929.
6. IN SOME INSTANCES GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE THE RELATIONSHIP BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.
7. THE DIMENSIONS AND DIRECTIONS SHOWN HEREON ARE IN SUBSTANTIAL AGREEMENT WITH RECORD VALUES UNLESS OTHERWISE NOTED.

SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH OF SURVEY SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYS AS SET FORTH IN CHAPTER 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE FOR THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BY James B. Burns, PLS — JAMES B. BURNS, REGISTERED LAND SURVEYOR

DATE 04/21/08 REVISED LEGAL, 04/11/08

FLORIDA CERTIFICATION NO. 5090

Exhibit 5 *(Declaration of Easements for Ingress and Egress)*

10/29/08

Town of Davie
Planning & Zoning Board
6591 Orange Drive
Davie, Fl 33314

Re: Vacation of Right of Way VA 6-1-08

At the October 22, 2008 Planning and Zoning Board meeting it was requested that the applicant provide a plat map showing that SW 95th Ave. is a platted right of way and proof of ownership of SW 95th Ave.

It is my understanding the reason for this request was to insure that if my application to vacate a portion of a right away was granted, the Board wanted to insure that properties located to the north of my property would not be landlocked.

My comment to the Board was that SW 95th Ave was a Platted Right of Way. I found out today that it is not. I apologize for this incorrect information.

The correct information is that SW 95th Ave is Private but has Perpetual Easement for Ingress and Egress and utilities. Therefore none of the properties to the north would be landlocked. I have attached a copy of said easement. Additionally I have attached a copy of the easement that runs from east to west which provides access to the properties to the North of SW 95th Ave.

Please contact me should you require any additional information. Thank you for your consideration of this request.

Sincerely

David Ross

SW 95th AVE

67- 54718

OFF. REC. 3441 PAGE 147

DECLARATION OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that JULES ZAPPULLA and RITA ZAPPULLA, his wife, do this day declare a perpetual easement for ingress and egress and for public utilities, including without limitation, water, electricity, sewer, telephone and gas, in favor of all of the owners of land abutting the following described property, and do hereby intend to grant to the owners of land abutting the following described property, an Easement for said purposes forever which said Easement shall be over, across and under the following described land, situate, lying and being in the County of Broward, State of Florida, to-wit:

'67 JUN 12 PM 3:27

That portion of Tract 21 of JOHN W. NEWMAN'S SURVEY of Section 29, Township 50 South, Range 41 East, according to the Plat thereof as recorded in Plat Book 2 at page 26 of the Public Records of Dade County, Florida, said land situate, lying and being in BROWARD COUNTY, Florida, described as follows:

A parcel 50 feet in width, being 25 feet on each side of the North-South Centerline of said Tract 21, and extending from a point 340 feet South of the North line of said Tract 21, a distance of 1059.75 feet, more or less, to the South line of said Tract 21.

IN WITNESS WHEREOF, the said Jules Zappulla and Rita Zappulla, his wife, have hereunto set their hands and seals this 26th day of May, A.D. 1967.

Signed, sealed and delivered in the presence of:

Jules Zappulla (seal)

Rita Zappulla (seal)

Return To: Malspeo & Lorca
901 N.E. 125 Street
North Miami, Fla

STATE of FLORIDA:

COUNTY of DADE:

I HEREBY CERTIFY, that on this day, before me, an officer duly authorized in the State and County aforesaid, to take acknowledgements, personally appeared JULES ZAPPULLA and RITA ZAPPULLA, his wife, to me known to be the persons described in and who executed the foregoing instrument, and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid, this 26th day of May, A.D. 1967.

Notary Public, State of Florida

My Commission expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES SEPT 28, 1970
BONDED THROUGH FRED W. DIESTELHORST

RECORDED IN OFFICIAL RECORDS BOOK
OF BROWARD COUNTY, FLORIDA
JACK WHEELER
CLERK OF CIRCUIT COURT

EAST / WEST EASEMENT

Prepared by:
Philip S. Malspeis
901 N. E. 125th Street
North Miami Beach, Florida

RETURN TO:
JOHN F. DREILING
ATTORNEY AT LAW
4900 WASHINGTON STREET
HOLLYWOOD FLORIDA 33021

71- 62208

DECLARATION OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that JULES ZAPPULLA, a single man, and RITA ZAPPULLA, a single woman, do this day declare a perpetual Easement for ingress and egress and for public utilities, including without limitation, water, electricity, sewer, telephone and gas, in favor of all of the Owners of land abutting the following described property, and do hereby intend to grant to the Owners of land abutting the following described property, an Easement for said purposes forever, which said Easement shall be over, across and under the following described land, situate, lying and being in the County of BROWARD, State of FLORIDA, to-wit:

That portion of Tract 21 of JOHN W. NEWMAN'S SURVEY of Section 29, Township 50 South, Range 41 East, according to the Plat thereof as recorded in Plat Book 2 at Page 26 of the Public Records of Dade County, Florida, said land situate, lying and being in BROWARD COUNTY, Florida, and described as follows:

The South 40 feet of the North 380 feet of Tract 21 of JOHN W. NEWMAN'S SURVEY of Section 29, Township 50 South, Range 41 East, according to the Plat thereof as recorded in Plat Book 2 at Page 26 of the Public Records of Dade County, Florida, said land situate, lying and being in BROWARD COUNTY, Florida, less and except the West 10 feet thereof.

IN WITNESS WHEREOF, the said JULES ZAPPULLA a single man, and RITA ZAPPULLA, a single woman, have hereunto set their hands and seals this 24 day of April 1971.

Signed, sealed and delivered in the presence of:

Jules Zappulla (SEAL)

Rita Zappulla (SEAL)

STATE of FLORIDA:

COUNTY of BROWARD:

I HEREBY CERTIFY, that on this day before me, an officer duly authorized in the State and County aforesaid, to take acknowledgements, personally appeared JULES ZAPPULLA, a single man, and RITA ZAPPULLA, a single woman, to me known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS, my hand and official seal in the County and State last aforesaid this 24th day of April 1971.

Notary Public, State of Florida

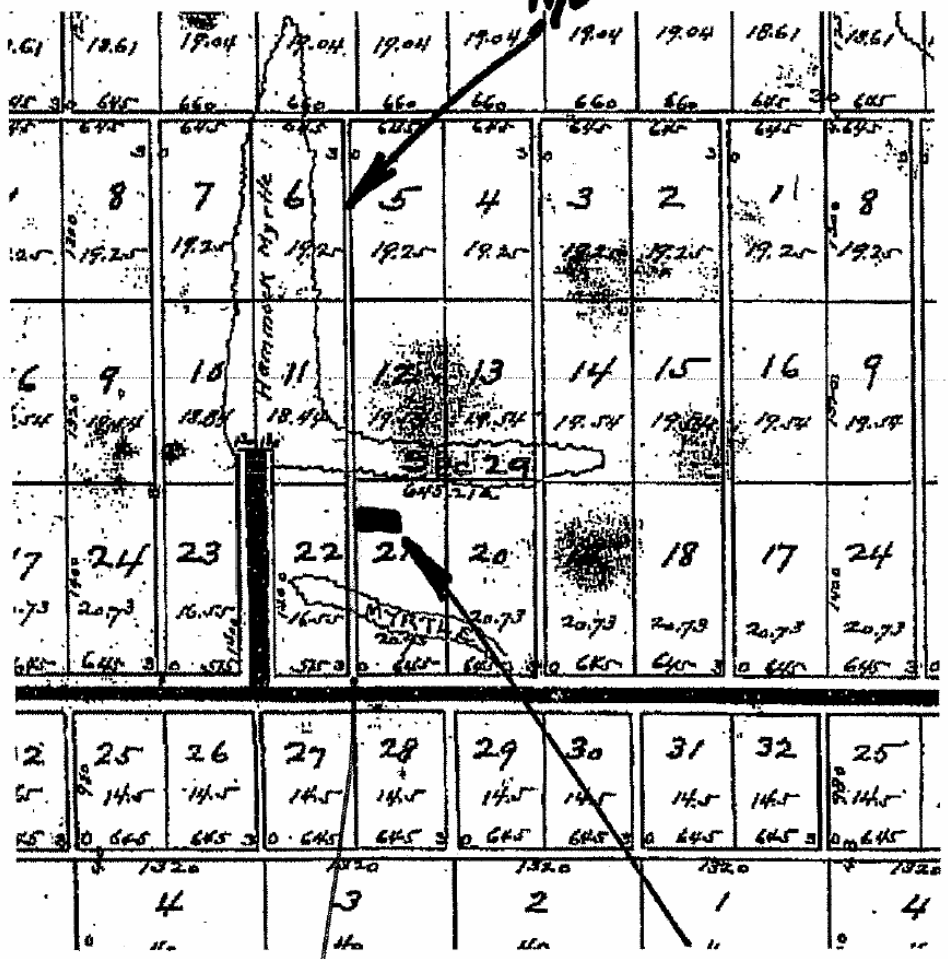
My Commission expires:

Notary Public, State of Florida at Large
My Commission Expires Nov. 9, 1971

RECORDED IN OFFICIAL RECORDS BOOK OF BROWARD COUNTY, FLORIDA
JACK WHEELER
CLERK OF CIRCUIT COURT

71 MAY 4 PM 3:12
JACK WHEELER, CLERK CIRCUIT COURT

R/W IN QUESTION



4301 SW 95th AVE

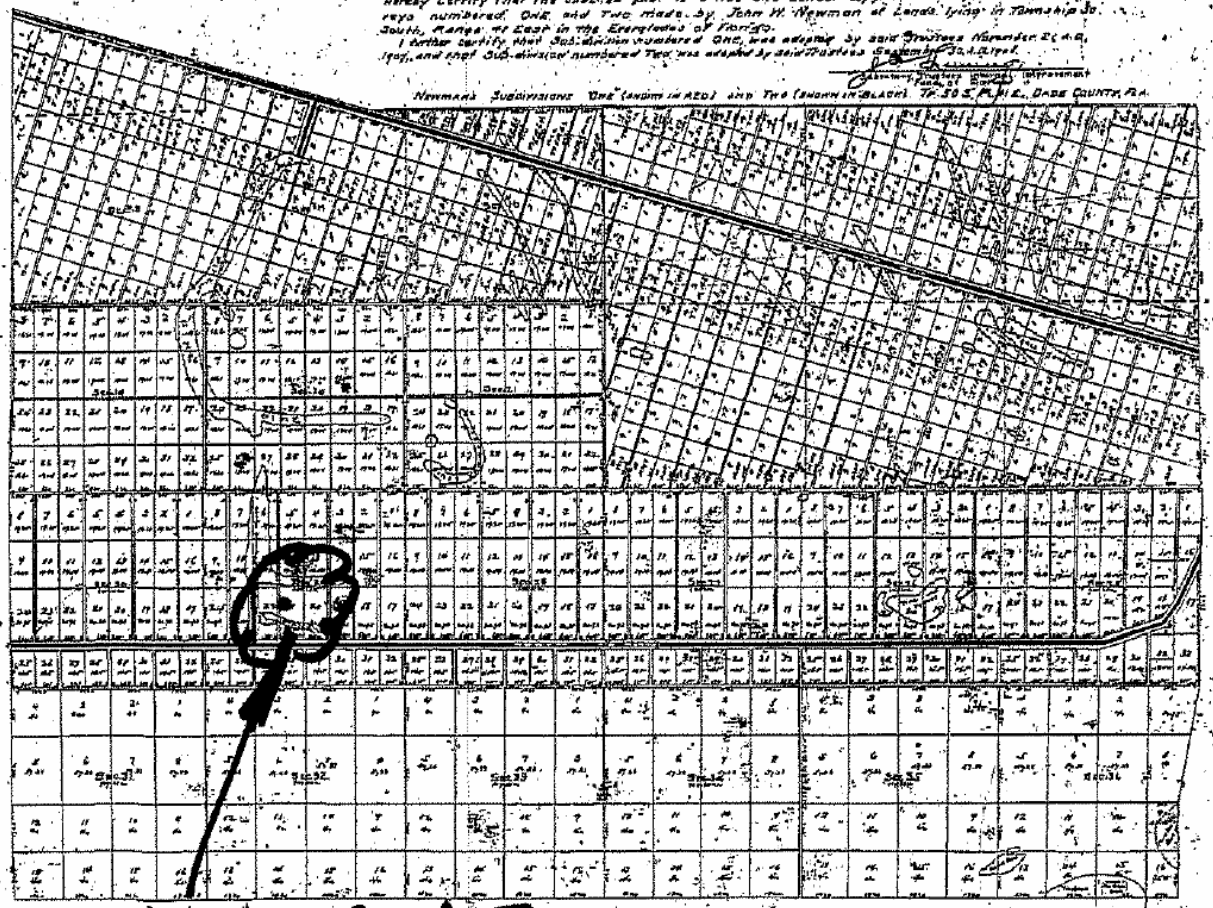
Platted Right of Way

I, [illegible] Secretary to the Trustees of the Internal Improvement Fund of the State of Florida, Hereby Certify that the attached plat is a true and correct copy of the originals of the Surveys numbered One and Two made by John H. Newman of Lands lying in Township 50 South, Range 41 East in the Everglades of Florida.

I further certify that Sub-division numbered One, was adopted by said Trustees November 21, A.D. 1907, and that Sub-division numbered Two was adopted by said Trustees [illegible]

[illegible] Secretary to the Trustees of the Internal Improvement Fund of the State of Florida.

Newmans Subdivisions "One" (shown in red) and Two (shown in black) Tp. 50 S., R. 41 E., Dade County, Fla.



4301 50 95 AVE

Exhibit 6 *(Open Space Advisory Committee Minutes)*

TOWN OF DAVIE
OPEN SPACE ADVISORY COMMITTEE (OSAC)
TUESDAY, SEPTEMBER 24, 2008 - 7:30 P.M.
ROBBINS LODGE
4005 HIATUS ROAD, DAVIE, FLORIDA

MEMBERS PRESENT
Joyce Steward, Chair
Linda Greck, Vice Chair
Christina Pellicane
Donald Burgess
Frances Steier
Paul Greenbaum
Toni Webb
Janice Carey

MEMBERS ABSENT
Casey Lee
John Capazolli

STAFF AND GUESTS PRESENT
Tim Lee, Urban Forester, Town of Davie
Phillip Holste, Program Manager, Town of Davie
David Quigley, Planning & Zoning Manager, Town of Davie
Kathy Cox, Trustee, South Florida Trail Riders of Broward
Hilda Testa, Recording Secretary, Prototype, Inc.

1. ROLL CALL

Chair Steward called the meeting to order at 7:35 p.m. and roll call was taken. Item 3.1 was taken out of order for the benefit of the guests in attendance.

3. OLD BUSINESS

3.1 Discuss vacating the right-of-way west of the Ross property at 4301 SW 95th Avenue

Mr. Lee passed out a survey of the subject area for the benefit of the Board Members. The survey shows the location of the barn to be five feet into the thirty-foot right-of-way area of the property adjacent to Tree Tops Park.

Chair Steward asked the status of the other properties adjacent to the subject property. Mr. Lee stated the neighbors have the same thirty-foot right-of-way; however, only this property owner is seeking a vacation of the right-of-way. Mr. Lee pointed out that the right-of-way could possibly be used as another access point into Treetops Park.

Ms. Cox asked if the property were to be sold with the barn in the right-of-way, would the owner of the property be required to remove the barn. Mr. Quigley answered the County may require demolition of the barn if they so choose.

Ms. Cox then asked if the County were to exercise the right-of-way from Orange Drive to the park, would the subject area of the right-of-way be required for access or could access be granted at another area.

Chair Steward asked if a trail access from Orange Drive into the park would be a possibility in the future. Ms. Cox commented that the County would not likely grant another access point into the park and gave examples of other residents located on 93rd Avenue that were promised access into the park, but the County continues to keep the gate locked to deny access.

Mr. Quigley stated the right-of-way is thirty-feet wide, with half of the right-of-way on the property in question and the other half on County property. Mr. Quigley felt that if the County were to grant vacation of the right-of-way, only half of the right-of-way would likely be vacated. Ms. Cox added that if the County retains the fifteen-feet of right-of-way located within the park's boundary, there would be adequate space for a trail from Orange Drive into the Park on the remaining fifteen feet.

Vice Chair Greck advised the Park currently has a trail along the property line running north and south, and the trail is heavily used by the local equestrians.

It was the consensus of the Board that the property owner knowingly constructed the barn on the right-of-way, and was unable to find good reason to recommend vacating the right-of-way.

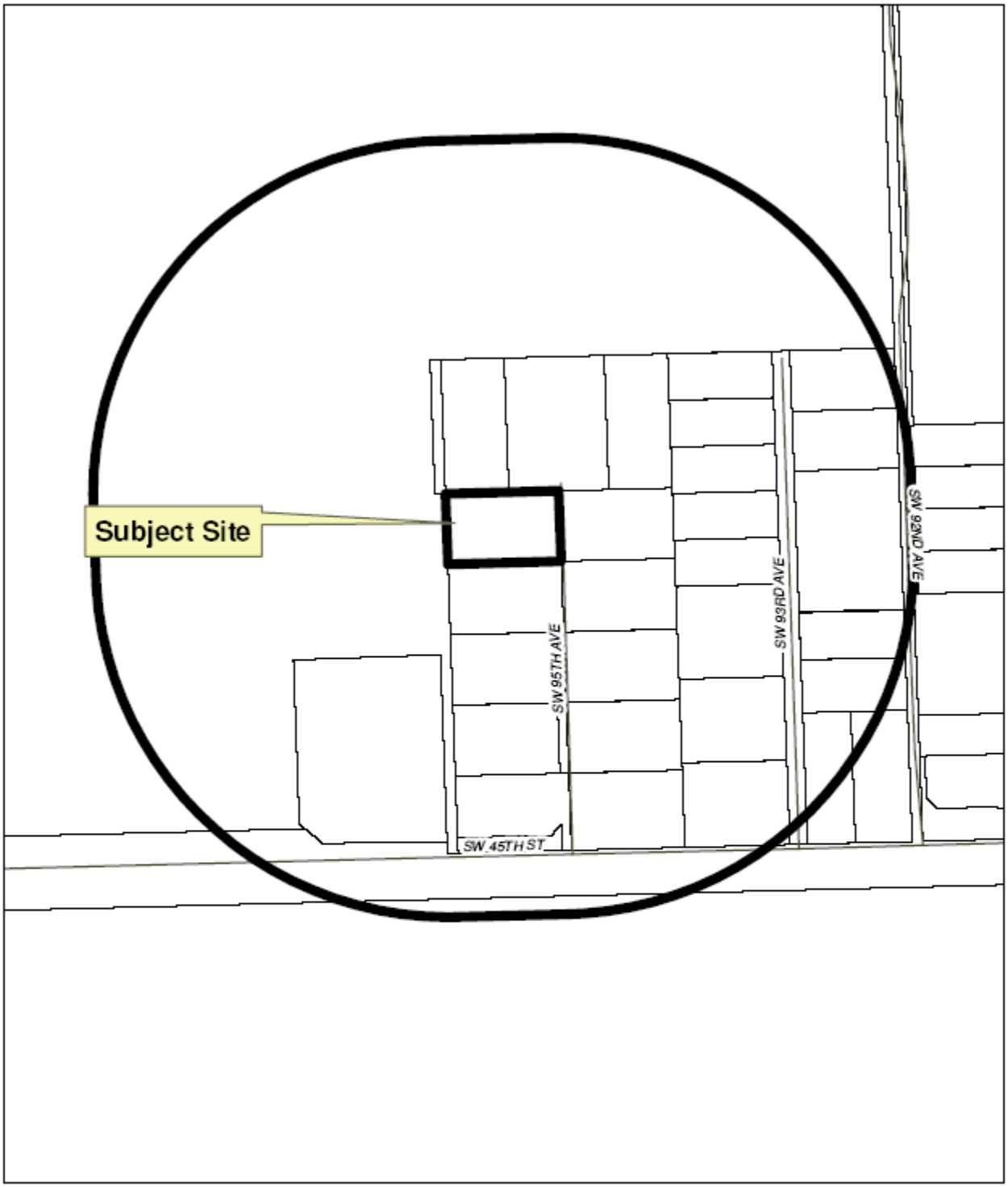
Motion made by Vice Chair Greck and seconded by Ms. Pellicane, to recommend the right-of-way not be vacated. In a voice vote, the motion passed unanimously.

2. APPROVAL OF MINUTES – July 28, 2008

Minutes to be amended as follows:

- Page 12, Motion # 3, replace "M**s**. Burgess" with "M**r**. Burgess"
- Page 13, Paragraph 3, Line 4 – replace "b**ur**m" with "b**er**m"
- Page 19, Comments and/or Suggestions, Paragraph 2, last sentence – replace "that original intent **in** not right" with " that original intent **is** not right"

Exhibit 7 *(Mail-out Radius Map)*



N

0 100 200 400 Feet

Prepared by the Town of Davie GIS Division

Vacation of Right of Way
VA 6-1-08
1000 Foot Buffer

Prepared by: ID
Date Prepared: 7/14/08

Exhibit 8 *(Mail-out)*

VA 6-1-08
AXELROD,ROBERTA J
AXELROD,MICHAEL D
4383 SW 95 AVE
DAVIE FL 33328-2417

VA 6-1-08
CLAIR,VERNA R IRR TR
4340 SW 93 AVE
DAVIE FL 33328-2410

VA 6-1-08
FIORENTINO,FRANK & JILL
4200 SW 95 AVE
DAVIE FL 33328-2416

VA 6-1-08
HERNANDEZ,REYNALDO
HERNANDEZ,ROSILYS
4450 SW 93 AVE
DAVIE FL 33328-2418

VA 6-1-08
PICKETT,T S & KATHLEEN
4351 SW 93RD AVE
DAVIE FL 33328-2409

VA 6-1-08
ROMAN,HECTOR L & CARMEN B
4475 SW 95TH AVE
DAVIE FL 33328-2419

VA 6-1-08
RUBIN,NEIL & ANTONETTE GUERRA
4451 SW 95TH AVE
DAVIE FL 33328-2419

VA 6-1-08
SHTERENVASER,SIMON
6451 APPALOOSA TRL
DAVIE FL 33330

VA 6-1-08
WACHTEL,YEHUDA G
5050 SW 178TH AVE
DAVIE FL 33331-1148

VA 6-1-08
WEST,ANDRE JULIAN TR
4351 SW 92 AVE
DAVIE FL 33328-2406

VA 6-1-08
BROWARD COUNTY
BOARD OF COUNTY COMMISSIONERS
115 S ANDREWS AVE ROOM 326
FORT LAUDERDALE FL 33301-1801

VA 6-1-08
DANTONI,LAURA ELISABETH
4401 SW 93 AVE
DAVIE FL 33328

VA 6-1-08
FRANKLIN,G E & CECELIA D
P O BOX 813
LAKE JUNALUSKA NC 28745

VA 6-1-08
NELSON,DAVID P & ELENA MARTY
4251 SW 93RD AVE
DAVIE FL 33328-2407

VA 6-1-08
PORTA,JOSE LUIS
4250 SW 95 AVE
DAVIE FL 33328

VA 6-1-08
ROSS,DAVID G & BRENDA M
4301 SW 95 AVE
DAVIE FL 33328-2415

VA 6-1-08
SANTANIELLO,FLORENCE
SANTANIELLO,VINCENT A
4411 SW 93 AVE
DAVIE FL 33328-2411

VA 6-1-08
SILVESTRI,LOUIS J &
MANDLI,DIANA L
4330 SW 95 AVE
DAVIE FL 33328

VA 6-1-08
WACHTEL,YEHUDA GENE
5050 SW 178TH AVE
DAVIE FL 33331-1148

VA 6-1-08
WINSLOW,ARLEEN
COHEN,STANLEY
4410 SW 93 AVE
DAVIE FL 33328-2412

VA 6-1-08
CASSIDY,GLADYS C
4300 SW 95 AVE
FORT LAUDERDALE FL 33328

VA 6-1-08
EDMONDSON,LISA
EDMONDSON,WILLIAM L III
208 BRECKENRIDGE DR
SIX MILE SC 29682-9200

VA 6-1-08
GODBOUT,PETER & PATRICIA
14416 MONTICELLO DR
LISBON MD 21765

VA 6-1-08
PEREZ,ADRIAN L
4201 SW 93 AVE
DAVIE FL 33328-2407

VA 6-1-08
QUAKA,JOHN L
4295 SW 93 AVE
DAVIE FL 33328

VA 6-1-08
RUBICAM,CLIFTON L & HELEN EST
% CLIFTON L RUBICAM III
11624 N CHARLOTTE ST
KANSAS CITY MO 64155

VA 6-1-08
SCHENKER,DONALD F & SARA C
4333 SW 95 AVE
DAVIE FL 33328-2417

VA 6-1-08
SIMKIN,ALEX
6451 APPALOOSA TRL
DAVIE FL 33330

VA 6-1-08
WAHL,WILLIAM E & CLOTHILDE B
4420 SW 93RD AVE
DAVIE FL 33328-2412

VA 6-1-08
Current Occupant
4100 SW 95 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4200 SW 95 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4201 SW 93 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4201 SW 95 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4210 SW 93 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4230 SW 93 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4250 SW 95 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4251 SW 93 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4295 SW 93 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4300 SW 93 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4300 SW 95 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4310 SW 95 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4311 SW 93 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4330 SW 95 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4333 SW 95 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4340 SW 93 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4351 SW 92 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4351 SW 93 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4361 SW 92 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4383 SW 95 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4400 SW 95 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4401 SW 93 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4411 SW 93 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4420 SW 93 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4450 SW 95 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4451 SW 93 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4451 SW 95 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
4475 SW 95 Ave
Davie, FL 33328

VA 6-1-08
Current Occupant
9601 Orange Dr
Davie, FL 33328

Exhibit 9 *(Future Land Use Plan Map)*

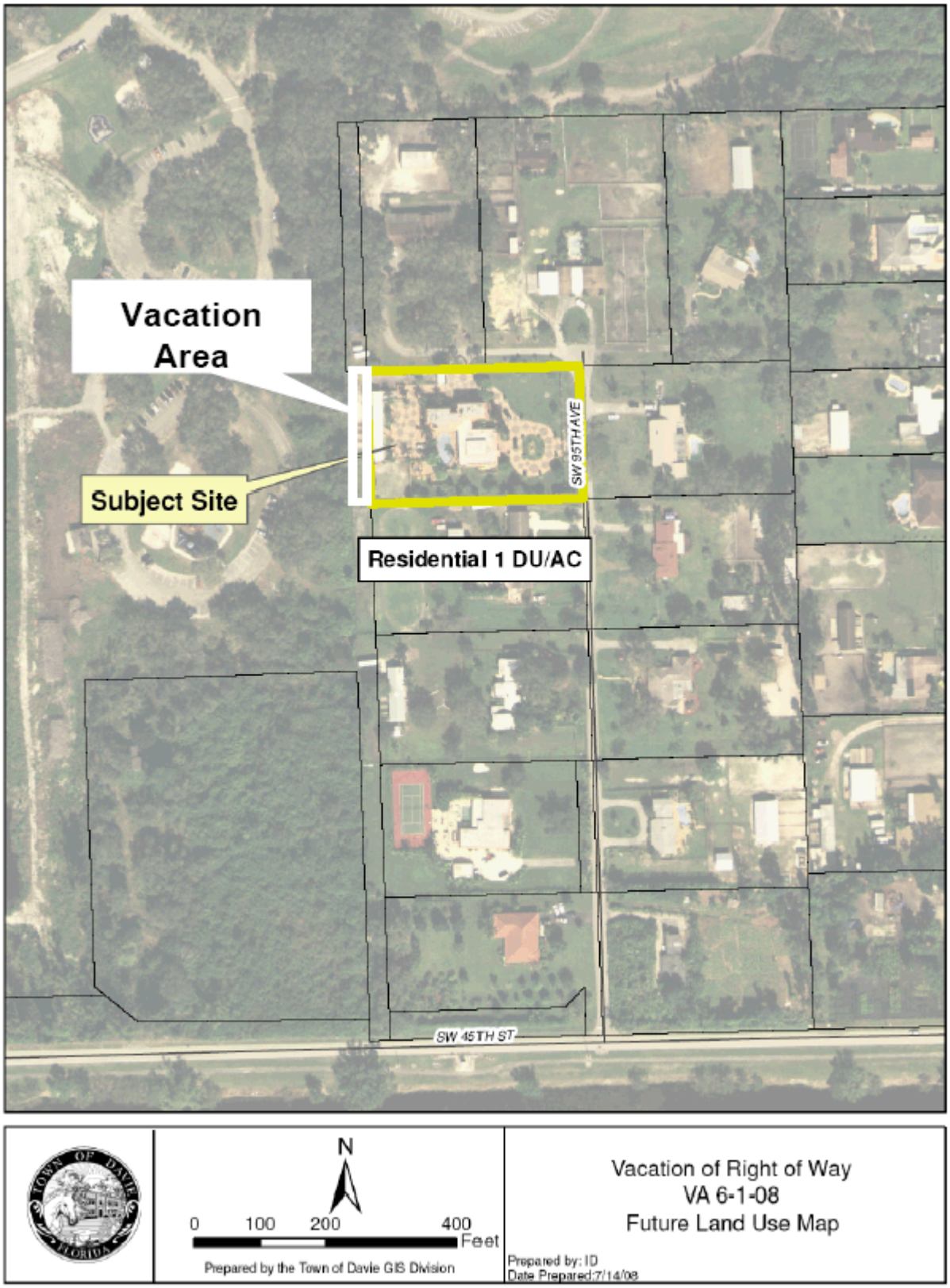
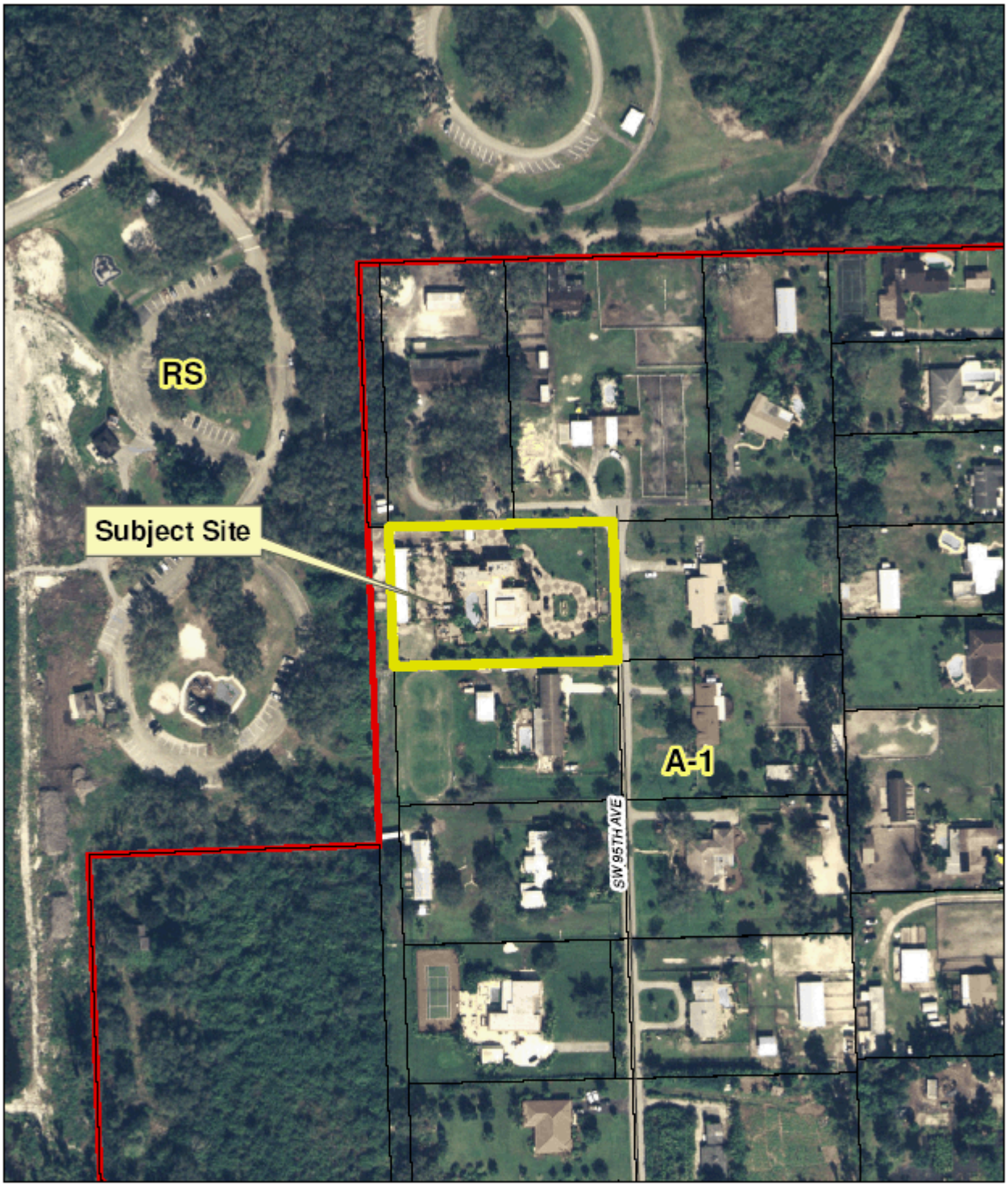


Exhibit 10 *(Aerial, Zoning, and Subject Site Map)*



N

0 100 200 400 Feet

Prepared by the Town of Davie GIS Division

Vacation of Right of Way
VA 6-1-08
Zoning and Aerial Map

Prepared by: ID
Date Prepared: 7/11/08