



# DEVELOPMENT REVIEW COMMITTEE (DRC) COMMENT REPORT

**MEETING DATE:** May 26, 2020

**PROPERTY OWNER:** Searstown Warehouse, LLC.

**APPLICANT/AGENT:** Stephanie J. Toothaker, Esq.

**PROJECT NAME:** 818 Utility Easement Vacation

**CASE NUMBER:** PLN-EV-20030003

**REQUEST:** Vacation of Easement: 12-Foot to 6-Foot Wide Utility Easement

**LOCATION:** 818 NE 4th Avenue

**ZONING:** Regional Activity Center – Urban Village (RAC-UV)

**LAND USE:** Downtown Regional Activity Center

**CASE PLANNER:** Yvonne Redding



Case Number: PLN-EV-20030002

**CASE COMMENTS:**

Please provide a written response to each of the following comments:

1. Per ULDR Section 47-24.1, provide written documentation that easement to be considered for vacation meets the City's development review criteria per ULDR Section 47-25.2 (Adequacy Review) and ULDR Section 47-24.7 (Vacation of Easement Requirements).
2. Demonstrate compliance with Adequacy Review requirements per ULDR Sections 47-25.2.C (Drainage facilities) and 47-25.2.L (Stormwater), that the easement area to be considered for vacation will not adversely affect adjacent streets and properties.
3. Provide a signed and sealed boundary and topographic survey showing all above ground improvements, utilities, rights of way dimensions and all easements. This survey shall be based on a Standard Title Commitment issued by a title insurer licensed to do business in Florida or an Opinion of Title issued by an attorney admitted to the Florida Bar. The title commitment or Opinion of Title must have an effective date no more than thirty days prior to the date of submittal of the survey and must be certified to the City of Fort Lauderdale. If any encumbrances are found in the property, provide a copy of the recorded documents accordingly (i.e. easements, agreements, etc).
4. Provide copy of latest corresponding Site Plan, so that it can be reviewed for consistency. Confirm that limits of proposed Easement vacation are consistent with Site Plan.
5. Please contact City's Public Works Department, Thomas Lawrence at [TLawrence@fortlauderdale.gov](mailto:TLawrence@fortlauderdale.gov) (954-828-6126) or Igor Vassiliev at [IVassiliev@fortlauderdale.gov](mailto:IVassiliev@fortlauderdale.gov) (954-828-5862), for stormwater infrastructure, and water and sewer utilities, to verify and determine whether there are any public utilities present within the easement to be considered for vacation. If so, a surveyed location of the utilities shall be provided to staff for review, the full cost of relocation of the utilities shall be borne by the Applicant, and the utility relocation plan shall be reviewed and approved by the City's Public Works Department prior to implementation.
6. Provide letters from all franchise utility providers, including Public Works as appropriate (i.e. if easement being vacated is public), demonstrating their interests in maintaining or no objection to the vacation of this Easement; the letters should specifically state whether or not the franchise utility providers have existing facilities within the Easement vacation area that will need to be relocated or abandoned.
7. Submit a stamped copy of the surveyor's sketch and legal description to the City's Surveyor for his review and approval of the Easement to be considered for vacation. The approved surveyor's sketch shall then be routed to the Land Development Manager or designee for signoff, prior to submittal to the case planner for final authorization to present this item to the City Commission.
8. Please be advised that the vacating ordinance shall not be in full force and effect until an Engineer's Certificate is executed by the City Engineer or designee. This Engineer's Certificate shall be executed by the proper authorities and recorded in the public records of Broward County. A copy of the recorded certificate is to be provided to the City upon recordation. The City Engineer's certificate shall also state that all existing facilities located within the vacated easement have been relocated or abandoned to the satisfaction of the respective utility owners.



The City's Public Works Department, FPL, Comcast, Teco, and possibly AT&T currently have facilities within the existing 15' ingress/egress easement to be vacated. Please be advised that prior to the Engineer's Certificate being executed, letters from the franchise utilities indicating relocation/removal of their facilities and any easement requirements have been completed/recorded to their satisfaction, shall be provided to the City Engineer or designee.

9. The survey shows existing fence within the 6' Utility Easement to be vacated; relocated facilities shall require inspection and approval by the applicable franchise utility owner prior to issuance of City Engineer's certificate.
10. The City of Fort Lauderdale (City) has determined that there are no City utilities located within the subject utility easement. The City has no objection to the proposed vacation of the utility easement provided that the vacation is condition upon the relocation, removal, or proper abandonment of any facilities found. Any relocation, removal, or abandonment of the existing utilities must be conducted with approved engineering plans, at the developer's expense, and the relocated, removed, or abandoned utilities would be required to be inspected and accepted by the Department of Sustainable Development.
11. Please be advised that additional Easements may need to be dedicated to the City resulting from the Vacation of Easement approval process, including Utility Easement(s) and Access Easement(s) that mitigate an otherwise dead-end Alley condition.

As applicable, provide documents such as easement and/or right-of-way deed, joinders, consents and Attorney's Opinion of Title. Please refer to City's Web site:

<http://fortlauderdale.gov/departments/sustainable-development/building-services/engineering-forms-and-info> (under 'Engineering Forms' and 'Dedicated Public Rights of Way and Easements') or click on <http://www.fortlauderdale.gov/home/showdocument?id=1558>.

12. Additional comments may be forthcoming at the meeting.



Case Number: PLN- EV-20030003

**CASE COMMENTS:**

Please provide a response to the following:

- 1) The applicant is strongly encouraged to contact all neighborhood associations located within three hundred feet (300)' of the development site, to advise of this proposal (a map and listing of all neighborhood associations are listed on the City's website).
- 2) Discuss the option to vacate the easement throughout the entire block, to avoid the need for additional easement dedications.
- 3) Indicate the project's compliance with the following ULDR sections by providing a point-by-point narrative response, on letterhead, with date and author indicated.
  - a. Sec. 47-25.2, Adequacy Requirements
  - b. Sec. 47-24.7.A.4, Criteria for Vacation of Easement
- 4) Signoffs from the City Surveyor and the Urban Design Engineer will be required prior to City Commission submittal. The signoff for the City Surveyor will be routed by Planning Staff.
- 5) The proposed project requires review approval by the City Commission. A separate application and fee are required for City Commission review.
- 6) Letters must be provided from Florida Power & Light, AT&T, Comcast Cable, TECO Gas and the City of Fort Lauderdale Public Works Department indicating no objections to the vacation. If any easements are required, legal and easement documents must be provided prior to item being scheduled for City Commission. If any facilities need to be relocated, plans satisfactory to that agency must be approved prior to City Commission submittal.

Contact Information for utilities is as follows:

**AT&T**  
**Dyke Tittle**  
 954-577-5602  
[dt5431@att.com](mailto:dt5431@att.com)

**Comcast**  
**Leonard Maxwell-Newbold**  
 954-447-8405  
[leonard\\_maxwell-newbold@comcast.com](mailto:leonard_maxwell-newbold@comcast.com)

**Florida Power and Light (FPL)**  
**Lucas Cornish**  
 954-717-2062  
[Lucas.Cornish@fpl.com](mailto:Lucas.Cornish@fpl.com)

**TECO Peoples Gas**  
**David Rivera**  
 954-453-0794  
[DRRivera@tecoenergy.com](mailto:DRRivera@tecoenergy.com)

**Public Works**  
**Elkin Diaz**  
 954-828-6539  
[Ediaz@fortlauderdale.gov](mailto:Ediaz@fortlauderdale.gov)

- 7) The resolution approving the vacation of easement shall be recorded in the public records of Broward County within (30) days after adoption.



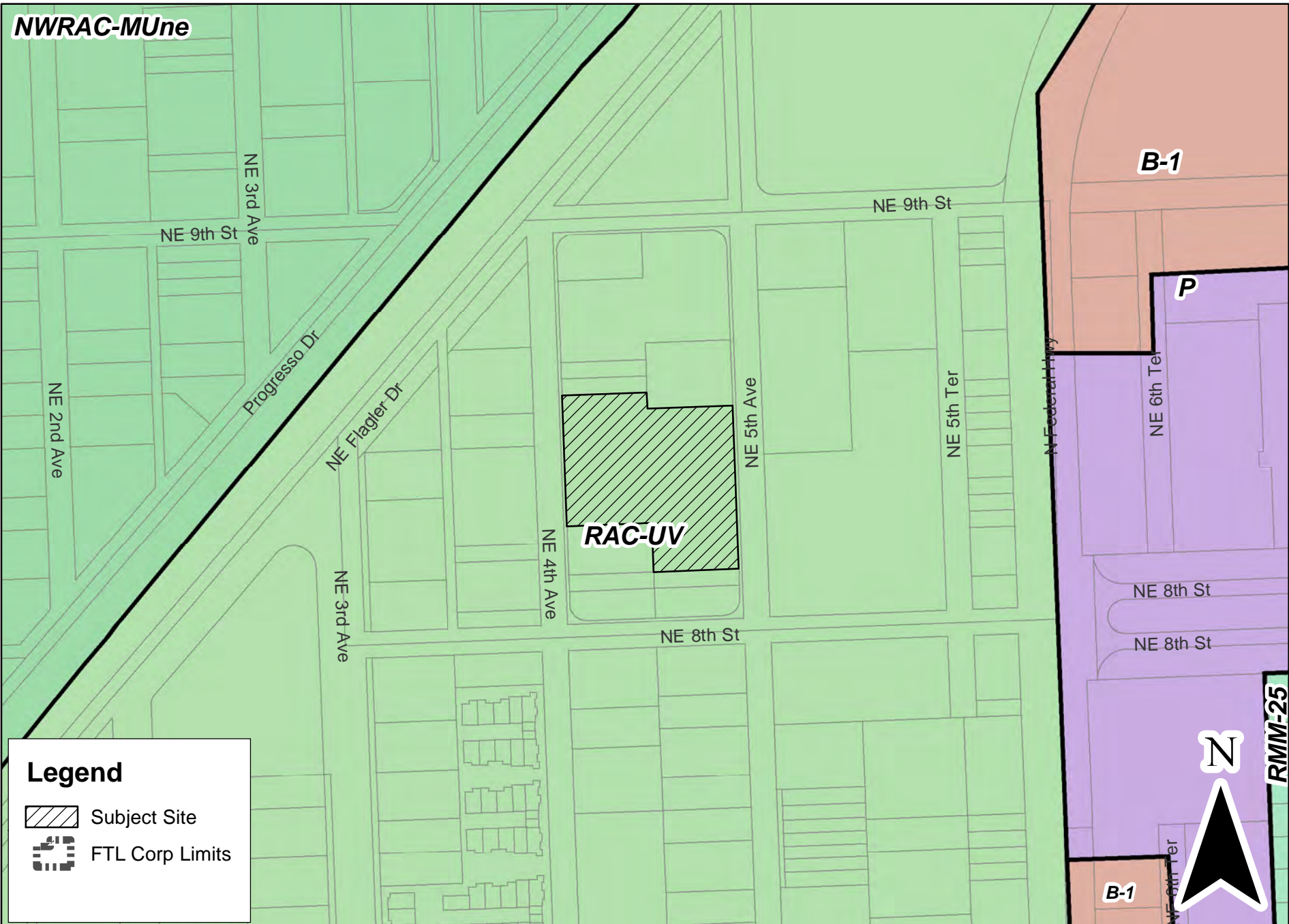
**GENERAL COMMENT**

- 1) Be advised that pursuant to State Statute, Section 166.033, states that development permits which require a quasi-judicial or public hearing decision must be complete within 180 days unless an extension of time is mutually agreed upon between the City and the applicant.
- 2) The following easement documents must be reviewed and approved by City Staff prior to final approval:
  - Attorney's Opinion of Title
  - Easement Deed
  - Survey, Sketch and Legal Description
  - Joinder, Consent, and Partial Release by Mortgagee/Lien Holder



The instructions and templates for these documents may be found at <https://www.fortlauderdale.gov/departments/sustainable-development/building-services/engineering-forms-and-info> listed under the topic "Dedicated Public Rights of Way and Easements." Please submit these documents electronically to Caroline Yeakel at [C.Yeakel@fortlauderdale.gov](mailto:C.Yeakel@fortlauderdale.gov).



**NWRAC-MU**



**Legend**

-  Subject Site
-  FTL Corp Limits

**B-1**

**P**

**RAC-UV**

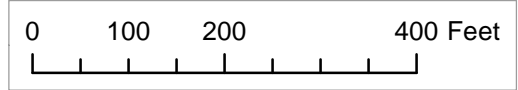
**B-1**

**RMM-25**

**N**



**PLN-EV-20030003**



Graphic Scale

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