DEVELOPMENT REVIEW COMMITTEE (DRC)
Right-of-way / Easement Application

Cover: Deadline, Notes, and Fees
Page 1: Applicant Information Sheet
Page 2: Required Documentation / Submittal Checklist
Page 3: Other Property & Right-of-Way related items for discussion

DEADLINE: Submittals must be received by 4:00 PM each business day. Pursuant to Section 47-24.1(1), the Department will review all applications to determine completeness within five (5) business days. Applicants will be notified via email, if plans do not meet the submittal requirements and if changes are required.

NOTES: Prior to formal submittal of applications, applicants are encouraged to schedule an appointment with Urban Design & Planning Division staff to obtain feedback regarding subject proposals, especially right-of-way vacation requests, as well as any other considerable development projects. The meetings provide an opportunity for applicants to obtain feedback and general direction, prior to expending significant effort on design and preparation of submittal documents.

Optional 15-minute time slots are available during DRC meetings for scheduling to applicants, to obtain signatures on completed DRC plans (including Pre-Planning and Zoning Board, Pre- City Commission and Final DRC plans) from all representatives at one time, in preference to scheduling individual appointments. Appointments are subject to availability. To make an appointment, please call 954-828-6531 latest by Friday at 12:00 noon prior to the meeting date.

Other Property & Right-of-Way related items for discussion: the application and submittal requirements are attached on the last page of this application.

FEES: All applications for development permits are established by the City Commission, as set forth by resolution and amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City, or special advertising costs shall be paid by the applicant. Any additional costs, which are unknown at the time of application, but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit.

Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, license, encroachment, water and sanitary sewer agreements, shall be preceded by the execution and filing of the following application form and the payment with said application fee of $100.00, (Ordinance No. C-84-65), which shall be nonrefundable. This application must be presented and the fee paid before agreement is prepared or considered. If publication is necessary, applicant agrees to pay the cost of such publication

☐ Easement Vacation $ 680.00
☒ Right-of-Way Vacation $ 780.00
☐ Agreements with the City * $ 100.00
☐ Other Property & Right-of-Way related items for discussion $ 100.00

* Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, revocable license, encroachment, water and sanitary sewer agreements)
**INSTRUCTIONS:** The following information is requested pursuant to the City's Unified Land Development Regulations (ULDR). The application must be filled out accurately and completely. Please print or type and answer all questions. Indicate N/A if does not apply.

**NOTE:** To be filled out by Department.

**Case Number**

**Date of complete submittal**

**NOTE:** For purpose of identification, the **PROPERTY OWNER** is the **APPLICANT**

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owner's Name</td>
<td>Edward J. Kinwin and Betty G. Kinwin</td>
</tr>
<tr>
<td>Property Owner's Signature</td>
<td>(If a signed agent letter is provided, no signature is required on the application by the owner.)</td>
</tr>
<tr>
<td>Address, City, State, Zip</td>
<td>811 SW 6th Street, Fort Lauderdale, FL 33315</td>
</tr>
<tr>
<td>Phone Number</td>
<td>954-274-7164</td>
</tr>
<tr>
<td>Proof of Ownership</td>
<td>Warranty Deed</td>
</tr>
</tbody>
</table>

**NOTE:** If **AGENT** is to represent **OWNER**, notarized letter of consent is required.

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant / Agent's Name</td>
<td>Gregory M. Aurop</td>
</tr>
<tr>
<td>Applicant / Agent's Signature</td>
<td>118 SE 6th Street, Suite 1500, Fort Lauderdale, FL 33301</td>
</tr>
<tr>
<td>Address, City, State, Zip</td>
<td><a href="mailto:GMC@trippscott.com">GMC@trippscott.com</a></td>
</tr>
<tr>
<td>Phone Number</td>
<td>954-765-2920</td>
</tr>
<tr>
<td>Letter of Consent Submitted</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Development / Project Name**

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development / Project Name</td>
<td>Vacation of Right of Way</td>
</tr>
<tr>
<td>Development / Project Address</td>
<td>Existing: 811 SW 6th Street, New:</td>
</tr>
<tr>
<td>Legal Description</td>
<td>Right of way between SEAWANNA SUB PT BLK 35 FT LAUDERDALE 7-37 B LOT 7 TO 9, 10.</td>
</tr>
<tr>
<td>Tax ID Folio Numbers</td>
<td>5042 10 40 0050, 5042 10 41 0010</td>
</tr>
<tr>
<td>Request / Description of Project</td>
<td>Vacation of right of way</td>
</tr>
<tr>
<td>Applicable ULDR Sections</td>
<td>See provided narrative</td>
</tr>
<tr>
<td>Total Estimated Cost of Project</td>
<td>$ n/a (including land costs)</td>
</tr>
</tbody>
</table>

**Current Land Use Designation**

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Land Use Designation</td>
<td>Medium/ Low-Medium</td>
</tr>
<tr>
<td>Current Zoning Designation</td>
<td>Residential Single Family and Duplex/ Medium/ Low Medium Density (RD-15)/(RS-8)</td>
</tr>
<tr>
<td>Current Use of Property</td>
<td>Residential - Single Family</td>
</tr>
</tbody>
</table>

**Additional property owners who wish to be included in the request, if applicable. Use additional sheets if necessary.**

<table>
<thead>
<tr>
<th>Name and Signature</th>
<th>Folio Number</th>
<th>Subdivision</th>
<th>Block</th>
<th>Lot</th>
</tr>
</thead>
</table>

**NOTE:** Applicant must indicate if/how the following provisions are met:

1. All utilities (list below) located within the easement and/or right-of-way must be relocated pursuant to a relocation plan; and
2. The owner of the utility facilities must consent to the vacation; or
3. A utilities easement must be retained over the area or portion thereof; or
4. An easement in a different location must be provided for the utility facilities by the owner to the satisfaction of the City; or
5. Any combination of same and utilities maintenance are not disrupted.

6. Applicants shall satisfactorily support vacation requests by addressing each point listed in Sections 47-24.6 and 47-24.7 of the city's Unified Land Development Regulations (ULDR) as applicable.

**TECO, Peoples Gas**
5101 NW 21st Avenue
Fort Lauderdale, FL 33309
(954) 453-0817, (954) 453-0804 fax

**Florida Power and Light**
Service Planning
3020 N.W. 19 St.
Fort Lauderdale, FL 33311
(954) 777-2097, (954) 777-2118 fax

**BellSouth**
8601 W. Sunrise Blvd., 2nd Floor
Plantation, FL 33322
(954) 476-2909

**Comcast, Inc.**
2561 SW 145 Ave, Suite 200
Miramar, FL 33027
(954) 534-7417, (954) 534-7083 fax
Page 2: Required Documentation

INSTRUCTIONS: An application for a vacation of an easement, a right-of-way or other public place shall be reviewed in accordance with all applicable provisions of ULDR Sec. 47-24.6 Vacation of Rights-of-Way and/or Sec. 47-24.7 Vacation of Easement.

One (1) copy of the following documents:

☑ Completed application (all pages filled out as applicable)
☑ Proof of ownership (warranty deed or tax record), including corporation documents if applicable. Proof of ownership by Title Co. or written Attorney's opinion within the last 30 days.
☑ Property owners signature and/or agent letter signed by the property owner.
☑ Traffic study for projects that meet the trip threshold (see Sec. 47-24 or contact DRC Engineering Rep.)
☑ Color photographs of the entire property and all surrounding properties, dated and labeled and identified as to orientation.

The following number of Plans:

☑ One (1) original set, signed and sealed at 24" x 36"
☑ Six (6) copies sets, with plans at 11" x 17"
☑ One (1) electronic version of complete application and plans in PDF format

Note: For initial submittal one signed and sealed set is required. Copied sets will be requested after completion review. If the development site is separated by a public right-of-way including alley or alley reservations, a separate application must be completed for each parcel.

Plan sets should include the following:

☑ Narrative describing project specifics, to include: architectural style and important design elements, utilities affected and the plan to address them, trash disposal system, security/gating system, hours of operation, etc. Narrative response referencing all applicable sections of the ULDR, with point-by-point responses of how project complies with criteria. Narratives must be on letterhead, dated, and with author indicated.
☑ Cover sheet including project name and table of contents.
☑ Land Use and Zoning maps indicating all properties within 700 ft. of the subject property. These should be obtained from Urban Design & Planning Division. Site should be highlighted or clearly marked to identify the parcel(s) under consideration on all sets.
☑ Current survey(s) of property, signed and sealed, showing existing conditions. The survey should consist of the proposed project site alone excluding adjacent properties or portions of lands not included in the proposal. A current certified boundary survey (within last 6 months) is required for "agreements with City of Fort Lauderdale applications".
☑ Most current recorded plat including amendments, with site highlighted. This may be obtained from Broward County Public Records at 115 S. Andrews Ave.
☑ Sketch and legal description of easement or ROW proposed to be vacated (must be prepared by Engineer or Surveyor).

NOTES:

- All plans and documents must be bound, stapled and folded to 8 1/2" x 11";
- All copy sets must be clear and legible and should include any graphic material in color;
- Civil Engineering plans are only required at Final-DRC sign-off. Contact DRC Engineering Representative for details;

Applicant's Affidavit
I acknowledge that the Required Documentation and Technical Specifications of the application are met:

Print Name

Signature

Date

Staff Intake Review
For Urban Design & Planning Division use only:

Date

Received By

Tech. Specs Reviewed By

Case No.
APPLICATION FORM

Legal name of applicant – if corporation, names and titles of officers as well as exact name of corporation – if individuals doing business under a fictitious name, correct names of individuals (must be used). Not fictitious name:

NAME: Edward J. Kirwin, PHONE: 954-274-7164

APPLICANT'S ADDRESS: 811 SW 6th Street, Fort Lauderdale, FL 33315

IF UNAVAILABLE CONTACT: Betty G. Kirwin, RELATIONSHIP OR TITLE: Wife

ADDRESS: ____________________________________________________________

ADDRESS AND LEGAL DESCRIPTION OF PREMISES OR AREA AFFECTED.

SITE ADDRESS: 811 SW 6th Street Fort Lauderdale, FL 33315
Zoned: RD-15
LEGAL DESCRIPTION: See provided narrative

DISCUSSION ITEM:

APPLICANT'S SIGNATURE & TITLE

NOTICE TO APPLICANT

1. Payment – $100.00 application fee payable to the City of Fort Lauderdale.
2. Proof of ownership by Title Co. or written Attorney's opinion within the last 30 days.
3. Project Description – Briefly describe the proposed project, any items to explain the request and related property and/or right-of-way items.
4. Six (6) copies, size 11”x17” of Land Surveyor's sketch of plan delineating the area including legal description, property and/or right-of-way lines. Current certified boundary survey (within last 6 months).
5. Ground photos of the area and other material to depict the project.
**SKETCH AND DESCRIPTION**

A portion of Proposed Cul-de-Sac

A portion of Lot 31, Block 35, SEMINOLE, according to the plat thereof, as recorded in Plat Book 3, Page 22, of the public records of Broward County, Florida, more fully described as follows:

Beginning at the Northwest corner of said Lot 31; thence on an assumed bearing of South 00° 00' 00" East, on the West line of said Lot 31, said West line, also being the East right-of-way line of S. W. Eighth Avenue (40 feet of right-of-way), a distance of 31.91 feet to a point on a curve; thence northeasterly on a curve to the left, whose chord bears North 32° 36' 38" East, with a radius of 35.00 feet, a central angle of 94° 31' 14", an arc distance of 57.74 feet to a point on the North line of said Lot 31; thence North 34° 00' 00" West, on the said North line of Lot 31, said North line also being the South right-of-way line of S. W. Jixth Street (40 feet of right-of-way), a distance of 40.63 feet to the Point of Beginning.

Said land situate, lying and being in the City of Fort Lauderdale, Broward County, Florida, and containing 1,046 square feet.

Certified correct. Dated at Fort Lauderdale, Florida, this 9th day of May, 1991.

NOTES: 1) This property was not abstracted for easements, reservations or rights-of-way of record. 2) Legal description prepared by McLaughlin Engineering Co., this 9th day of May, 1991. 3) This is not a survey.

McLaughlin Engineering Co.

[Signature]

Registered Land Surveyor No. 3356
State of Florida - Robert C. McLaughlin
"Not Valid unless Sealed with an embossed Surveyor's Seal"

FIELD BOOK No. PRINT JOB ORDER No. 08970 Exhibit "A" DRAWN BY DES CHECKED BY CA
SKETCH AND DESCRIPTION
for the purpose of road closure of SW 6 Street, for 800 SW 6 Street and 811 SW 6 Street, Ft. Lauderdale, Florida

(811) THE NORTH 1/2 (20’) OF SW 6 STREET LYING SOUTH OF AND ADJACENT TO LOTS 7, 8 AND A PORTION OF LOTS 7, 8 & 9 LYING EAST OF THE CANAL KNOWN AS TARPON RIVER, OF "SEAWANNA" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 37 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

(800) THE SOUTH 1/2 (20’) OF SW 6 STREET LYING NORTH OF AND ADJACENT TO LOT 10, BLOCK 35 OF "SEAWANNA" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 5 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

NOTE:
THIS IS NOT A SKETCH OF SURVEY, IT IS ONLY THE GRAPHIC REPRESENTATION OF THE DESCRIPTION DEPICTED HERON.

PROPERTY ADDRESS:
XXX SW 6 STREET, FT. LAUDERDALE, FL. 33315

PREPARED FOR:
EDWARD & BETTY KERWIN

ALL COUNTY SURVEYORS
PROFESSIONAL SURVEYORS AND MAPPERS
LICENSE NO. 66773
OFFICE: (954) 777-4747
FAX: (954) 777-2707
5400 SOUTH UNIVERSITY DRIVE
DAVIE, FLORIDA 33328 SUITE 216

JOB # 19-49906

SIGNED: ___________________________ DATE: 3/9/2019
JULIO S. PITA
PROFESSIONAL SURVEYOR AND MAPPER
NO. L.S. 5789 STATE OF FLORIDA
SKETCH AND DESCRIPTION
for the purpose of road closure of SW 6 Street, for 800 SW 6 Street and 811 SW 6 Street, Ft. Lauderdale, Florida

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PROPERTY ADDRESS:
XXX SW 6 STREET, FT. LAUDERDALE, FL. 33315

PREPARED FOR:
EDWARD & BETTY KERWIN

ALL COUNTY SURVEYORS
PROFESSIONAL SURVEYORS AND MAPPERS
LICENSE NO. 6677
OFFICE: (954) 777-4747
FAX: (954) 777-2707
5400 SOUTH UNIVERSITY DRIVE
DAVIE, FLORIDA 33328 SUITE 216

JOB # 19-49906

SIGNED: [Signature] DATE: 3/9/2019
JULIO S. PITA
PROFESSIONAL SURVEYOR AND MAPPER
NO. L.S. 5769 STATE OF FLORIDA
March 7, 2019

VIA HAND DELIVERY
DEVELOPMENT REVIEW COMMITTEE
DEPARTMENT OF SUSTAINABLE DEVELOPMENT
URBAN DESIGN & PLANNING DIVISION
CITY OF FORT LAUDERDALE
700 N.W. 19TH AVE
FORT LAUDERDALE, FL

Re: Vacation of Right-of-Way Narrative – SW 6th Street, Fort Lauderdale-

Dear Development Review Committee:

This firm represents Edward J. Kirwin and Betty G. Kirwin, as owner and applicant, (“Applicant”), of the real property located at 811 SW 6th Street, Fort Lauderdale, FL 33315 and 800 SW 6th Street, Fort Lauderdale, FL 33315 (the “Property” or “Properties”). Applicant hereby requests Site Plan Level IV approval for a right-of-way vacation within the RD-15 and RS-8 district. Please see a detailed description of the request below.

I. Project Specifics

This request pertains to a vacation of a right-of-way located along a portion of SW 6th Street in Tarpon River. The relevant portion to be vacated abuts the Property owned by Applicant. The Property has a zoning classification of RD-15 and RS-8, with an underlying land use of Medium and Low-Medium, respectively.

Applicant proposes vacation of a right-of-way pertaining to a dead-end street between the Properties. See provided Sketch and Legal. The Property will maintain a single-family residential use. Traffic patterns will not be disturbed, as the dead-end street provides no practical vehicular circulation. The relevant area cannot accommodate pedestrian traffic as there is no current access to the waterway. The waterway is obstructed by overgrown trees and the roadway is in a disheveled and unkempt state. There has been parking of nonresident vehicles and trespassers have accessed the Property by way of the right-of-way proposed to be vacated. Furthermore, the existing seawall within the right-of-way does not meet current code.
On June 19, 1991, the City of Fort Lauderdale approved a vacation of right-of-way for a portion of SW 6th Street by way of Case No. 26-P-91. The proposal was to vacate a portion of SW 6th Street to unify property on either side in conjunction with a multiple family housing project (Site Plan Case No. 31-R-91). The site plan request pursuant to Case No. 31-R-91 included a rezone from R-2 to R-3-C (the equivalent of RD-15 and RM-15 respectively). Approval of the site plan allowed for construction of Tarpon River Club, a community with nineteen townhouse units within five clusters of building and amenities that include a swimming pool, tennis courts, and boat docks.

The 1991 vacation allowed the association to build a tennis court and swimming pool over the relevant portion of the vacated right-of-way. Additionally, a portion of a cul-de-sac was dedicated to create a turnaround at the north side of SW 8th Ave. This vacation resulted in the removal of the connection between SW 8th Ave and SW 7th Ave and necessitated the construction of three-quarter cul-de-sac to allow for cars traversing SW 8th Street to turnaround.

The City of Fort Lauderdale’s 1991 approval abandoned the public purpose of SW 6th Street and created the situation which currently exists today. The street was utilized as a connecting street between SW 8th Ave and SW 7th Ave. The street can no longer be utilized as a connecting street and serves no other public purpose. Construction of a round-about resulted from the 1991 request, however, the round-about only provides a three-quarter turn and was not completely rounded. This leads vehicles traversing this street to believe a connecting street exists, when it actually leads to the Property. This confusion creates unwanted vehicular traffic and invites the general public to trespass on the Property.

If this vacation is granted, the applicant will be responsible for rebuilding the seawall up to current code, as set out in Sec. 47-19.3, Unified Land Development Regulations ("ULDR"). Applicant will take measures to meet the new requirements of the seawall ordinance, including raising the seawall height. The Applicant will also address erosion concerns and any potential cracking of the seawall. Such improvements will prove fundamental in addressing flooding concerns that have been compounded by rising sea levels in the area and will result in increased flood control felt by the surrounding community. Applicant will also assume all costs related to relocation of utilities and assume maintenance responsibilities of the vacated right-of-way.

Granting of this vacation request will improve the overall quality of the street and the neighborhood. Applicant will maintain and improve the relevant area requesting to be vacated which will further contribute to the overall appearance of the community. The requested area is currently in a deteriorating state and needs upkeep and maintenance. Applicant will assume all responsibility for maintenance and enhancement resulting from this vacation request. The overall result of this vacation request will have a positive impact on the surrounding neighborhood.

II. Unified Land Development Regulations Analysis

In terms of the development review, the Properties and the proposed right-of-way vacation are subject to the following sections of the City of Fort Lauderdale Unified Land Development Regulations, ("ULDR"): 1728430v3 998158.0003
An analysis addressing each of the pertinent land use and zoning regulations is below.

**A. Residential Zoning Districts (Sec. 47-5)**

The Properties have an underlying land use designation of Medium and Low Medium and are zoned RD-15 and RS-8, respectively. The RD-15 district is intended to support single family detached dwellings. Applicant will maintain a single family use on the respective Properties.

**a. Proposed Use (Sec. 47-13.10)**

Applicant will maintain a single-family residential use. Although the Properties affected are owned by a single owner, the parcels will be maintained as two separate single family residences within applicable ULDR codes and restrictions with a common boundary line being the center of the vacated right-of-way. Thus, with a demonstration that the project complies with the adequacy requirements, as discussed below, the project is consistent with the zoning.

*As discussed above, the proposed project satisfies the RD-15 Regulations of the ULDR.*

**B. Vacation of Rights-of-Way or Other Public Place (Sec. 47-24.6)**

**a. The applicant must abut the public street, alley, or other publicly dedicated or conveyed place sought to be vacated or the city.**

Applicant’s Properties abut both sides of the right of way seeking to be vacated. Applicant is currently the only one with a specific need for vehicular access and use of the right-of-way to access the bordering Property.

**b. The right-of-way or other public place is no longer needed for public purposes.**

The proposed right-of-way vacation no longer serves a public purpose. The public purpose for SW 6th Street was abandoned in 1991 by virtue of approval of the neighboring development. Approval of the 1991 vacation set the precedent and relinquished the public purpose of SW 6th Street. According to the SEAWANNA Plat, SW 6th Street connected SW 8th Ave to SW 7th Ave. This connection allowed those traversing SW 8th Ave to cross over to SW 7th Ave and access the broader Tarpon River community. Vacating that portion of the street in 1991 removed the connection and the only portion of SW 6th Street which exists today is the
dead-end street. The 1991 vacation of right-of-way permitted construction of a pool and tennis courts over the vacated street.

The remaining dead-end street currently provides no vehicular circulation and is only utilized for access to the Property. Applicant will pay for any necessary relocation of utilities. If necessary, Applicant will also provide all necessary easements in favor of the City for access and maintenance.

Pedestrians seeking to utilize the river access for a public purpose have an alternative access point at Lewis Landing Park, located approximately 500 feet from SW 6th Street. Lewis Landing Park is a 1.3 acre park which boasts amenities such as bicycle racks, a dock, fishing, a gazebo, parking access, an observation deck, an open play area, benches and tables, a walking path, a water fountain, and pristine waterfront access. Further, Tarpon Cove Park is in close proximity and offers amenities such as fishing, open area, and water frontage. Three other designated parks with water front access currently exist in the Tarpon River community: Ann Murray Greenway, Sara Horn Greenway, and Tarpon River Park. Two of the parks are located within 500 feet of the proposed area to be vacated, two of the parks are located within 2,000 feet of the proposed area to be vacated, and one park is located within 3,000 feet of the proposed area to be vacated.

The area to be vacated cannot accommodate vehicular circulation and does not provide access to the waterway. The vacation of SW 6th Street in 1991 relinquished its intended public purpose of connecting SW 8th Ave and SW 7th Ave. Furthermore, there are multiple public parks within close proximity. As such, the right-of-way is no longer needed for public purposes.

c. **Alternate routes if needed are available which do not cause adverse impacts to surrounding areas.**

This vacation of right-of-way request does no impact vehicular circulation, and therefore, does not cause adverse impacts requiring alternate routes. City of Fort Lauderdale’s approval of the vacation of right-of-way for SW 6th Street removed the connection between SW 8th Ave and SW 7th Ave, thereby reducing vehicular access on SW 8th Ave to one point of entry. As a result of the 1991 vacation of right-of-way, SW 8th Ave became a dead-end street.

A condition of the 1991 approval was to dedicate the necessary right-of-way for a cul-de-sac at the intersection of SW 6th Street and SW 8th Ave as well as to bond for and construct a turnaround at the same intersection. The turnaround currently exists today and allows cars traversing SW 8th Ave to make a complete turn and either enter or exit by way of SW 7th Street. This is the only point of entry and exit as a result of the previous vacation of right-of-way. The current vacation of right-of-way request will not affect vehicular circulation relating to this turnaround and will not require an alternative route. This vacation of right-of-way request will fully complete the ¼ turnaround implemented in 1991, thereby giving the street a defined appearance. The ¼ turnaround which exists today creates the appearance of a connecting street, when in reality, it leads to a dead-end street positioned directly in-between the Properties. The
completion of the turnaround will deter vehicular traffic from traversing SW 8th Ave as it will create a clearly defined street end with no indication there is a connecting street on this road.

Further, there is no parking currently available on SW 6th Street as the only space would necessitate the public to trespass on private property.

Properties adjacent to the proposed vacation of right-of-way will have continuing access to SW 8th Avenue, which runs perpendicular to the proposed vacation. The vacation of the right-of-way will not affect traffic patterns or impact the surrounding areas, as it is not currently used in public transit. Applicant is the only one who has a practical use for vehicular access to the dead-end street, and it does not connect to any other roads due to the vacation of right-of-way approved by the City of Fort Lauderdale in 1991. As such, vehicles will continue to utilize the turnaround in the same manner since its construction, and no alternative routes are required.

d. The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area.

The closure of the right-of-way will not affect vehicular circulation, and therefore, vehicles will continue to turnaround in a same manner pursuant to the turnaround constructed as part of the 1991 vacation of right-of-way approval. Vehicles currently enter by way of SW 8th Ave and turn around to exit at the ¾ turnaround at the end of the street. Applicant’s proposed vacation of right-of-way will complete the turnaround and create a safe and easily identifiable point to turn and exit. The current turnaround is only ¾ complete and leads to the dead end street which is proposed to be vacated. This dead-end street cannot accommodate vehicular traffic and does not serve a public purpose, as explained above.

The turnaround at the end of SW 8th Street resulted as a condition of the approval of the neighboring development and associated right-of-way vacation in 1991. Cars have safely turned and exited this area by way of the turnaround since its construction in the early 1990’s. Applicant will provide the necessary dedications in order to complete the turnaround, thereby creating even safer driving conditions. Therefore, vehicles will continue to safely turn around and exit the area.

e. The closure of a right-of-way shall not adversely impact pedestrian traffic.

The closure of this portion of SW 6th Street will not adversely impact pedestrian traffic. Currently, there is no public access to the waterway due to the overgrowth and deteriorating conditions, and there are no sidewalks along SW 8th Ave. This roadway accommodates little or no foot traffic as it leads to a dead-end turnaround. The turnaround was created by the vacation of right-of-way in 1991. The previous vacation of right-of-way removed the portion of SW 6th Street connecting SW 8th Ave and SW 7th Ave. This removed the ability for pedestrians to access this portion of the Property without having to walk south, to SW 7th Street, then north to SW 8th Ave. Lewis Landing Park is in close proximity, located along SW 7th Street, and provides a large park area with amenities. The pathway to Lewis Landing Park also contains
sidewalks along SW 7th Street. As such, it is safer and more efficient for pedestrians to access Lewis Landing Park, as opposed to an unkempt dead-end street with no water views. Furthermore, it is not feasible for pedestrians to access this Property since the vacation of right-of-way approved by the City of Fort Lauderdale in 1991. Therefore, pedestrian traffic is not adversely impacted by the proposed vacation of right-of-way.

f. All utilities located within the right-of-way or other public place have been or will be relocated pursuant to a relocation plan; the owner of the utility facilities has consented to the vacation; a utilities easement has been retained over the right-of-way area or portion thereof; an easement in a different location has been provided for the utility facilities by the owner to the satisfaction of the city; or any combination mentioned above including utility easements and utility maintenance shall not be disrupted.

All existing utilities located within SW 6th Street will be relocated at Applicant’s expense. Applicant has obtained letters of “no objection” from AT&T as well as TECO Gas. Applicant has sent the request to all relevant utility companies and will provide the remaining letters of “no objection” to the City once received. A relocation plan will be provided, if necessary.

As discussed above, the proposed project satisfies all of the adequacy requirements of the ULDR.

C. Adequacy Requirements (Sec. 47-25.2)

a. Applicability

The adequacy requirements of Section 47-25.2 are applicable to this project.

b. Communications Network

The project will not overburden the existing communications network.

c. Drainage Facilities

Applicant will consent to any necessary drainage facilities flowing into the waterway as now exist or are reasonably contemplated within the right-of-way to be vacated.

d. Environmentally Sensitive Lands

The project will not impact environmentally sensitive lands.
e. Fire Protection

Adequate water supply, fire hydrants, fire apparatus, and appropriate access and exits will be provided in accordance with the Florida Building Code and South Florida Fire Code.

f. Parks and Open Space

Park impact fees will be paid, if necessary.

g. Police Protection

The project will not require police protection.

h. Potable Water and Potable Water Facilities

The Applicant understands that the existing water mains and treatment facilities have sufficient capacity and an ability to handle any added demand to the Properties.

i. Sanitary Sewer

The existing sewer treatment facilities and systems have sufficient capacity to provide for the needs of the Properties.

j. Schools

The vacation will not impact any schools.

k. Solid Waste

No changes will be necessary.

l. Storm Water

No changes will be necessary.

m. Transportation Facilities

1. This vacation request will have no impact on transportation facilities.

2. This vacation request will have no impact on the regional transportation network.

3. This vacation request will have no impact on local streets.

4. A traffic study is not required for this vacation.
5. A dedication of right-of-way is necessary for this vacation.

6. No sidewalks currently exist in the area to be vacated and nor will they be necessary.

7. Access to the Properties is provided from SW 8th Ave.

8. Applicant does not anticipate needing to make any additional roadway improvements.

9. No additional street trees shall be required. The Applicant will provide the required number and type of street trees.

n. Wastewater

The Applicant does not anticipate that a wastewater main extension will be required. Expansion charges, if any, will be paid by the Applicant.

o. Trash Management

The Applicant does not plan to have a use that will trigger this requirement. A property owner will roll the trash receptacle to the curb on collection days.

p. Historic and Archaeological Resources

N/A.

q. Hurricane Evacuation

The Properties will utilize the standard evacuation route for the area.

III. Conclusion

The proposed right-of-way vacation of SW 6th Street will have a minimal impact, if any, on the surrounding neighborhood. It will not alter the Property’s current use as a single-family residential property, nor will it impact traffic patterns for those traveling by car or on foot. The dead-end street as currently constructed no longer serves a public use. There are five public parks which feature waterfront access in the Tarpon River Neighborhood and offer suitable public access points for community members. The public purpose for this right-of-way was abandoned by way of approval of the neighboring development which included a vacation of the right-of-way along a portion of SW 6th Street which once connected SW 8th Ave and SW 7th Ave. The proposed vacation area offers no vehicular access to properties other than those owned by Applicant, and it leads to an unaesthetic dead-end street in disrepair. Because of its configuration and the previous vacation, the propose right-of-way vacation does not cater to vehicular or pedestrian traffic and only serves as an access point to the Property.
Applicant has agreed to cover all expenses related to bringing the proposed vacation area and the associated seawall up to code in relation to all ULDR guidelines and the newly enacted seawall ordinance. Any expenses attributed to the relocation of utilities will also be covered by the Applicant. The Applicant’s two parcels that abut the dead-end street will also be assessed for the acquisition of the dead-end street, allowing for greater property tax revenues to be collected by the City.

The City of Fort Lauderdale’s previous approval for a vacation of a portion of SW 6th Street removed a connecting street and allowed for construction of tennis courts and a pool over what was previously a right-of-way. The previous vacation released navigable public purpose for vehicular or pedestrian traffic which arose by way of the connection between SW 7th Ave and SW 8th Ave.

The proposal will fit seamlessly with regard to its respective community. All ULDR regulations will be met accordingly, ensuring both visual and structural soundness that correspond with the current low-density residential neighborhood. Accordingly, the Applicant respectfully requests a DRC determination that the proposed right-of-way vacation meets the standards and requirements of the ULDR. If we can provide any additional information, or if you have any questions, please do not hesitate to contact us.

Respectfully submitted,

[Signature]

Gregory A. McAloon
For the Firm
MEMORANDUM NO. 91-916

DATE: August 2, 1991

TO: Mayor Jim Naugle
    Vice-Mayor Carlton Moore
    Commissioner Cary Keno
    Commissioner Jack Latona

FROM: City Manager/George L. Hanbury, II

BY: Planner II/Scott A. Miller

SUBJECT: Vacate portion of S.W. 6 St. – PZ Case No. 26-P-91

At the Regular Meeting of the Planning and Zoning Board on June 19, 1991, it was recommended that the City Commission approve the following application.

Case No. 26-P-91

Applicant: Calvary Presbyterian Church/C. Craig Edewaard

Request/Legal: Vacate S.W. 6 St. abutting Lots 1 thru 4 and the E. 5 ft. of Lot 5, Seawanna, P.B. 7, P. 37 and Lot 32 and a portion of Lot 31, Block 35, Seawanna, P.B. 3, P. 25

Location: S.W. 6 St., between S.W. 7 and 8 Aves.

Summary: The applicant proposes to vacate this portion of S.W. 6 Street to unify property on either side in conjunction with a multiple family housing project (Site Plan Case No. 31-R-91). The portion to be vacated lies between S.W. 7 Avenue and S.W. 8 Avenue. A portion of a cul-de-sac will be dedicated at the west end to create a turn-around at the north terminus of S.W. 8 Avenue. The applicant will be responsible for construction of the turnaround to Public Works Department specifications.

The following conditions are recommendations from Staff:

1. Dedicate the necessary right-of-way as per the legal description submitted for a cul-de-sac at the intersection of S.W. 6 Street and S.W. 8 Avenue within 90 days of the effective date of the Ordinance approving this vacation.

2. Bond for and construct a turnaround at the intersection of S.W. 6 Street and S.W. 8 Avenue to Public Works Department specifications within the time frame above.

Public Comment: There was no public input.

Vote of the Board: Approved 7-0

Staff Recommendation: Approval, subject to above recommendations.

GLH/SAM/mr/7575o-2
MINUTES OF A REGULAR MEETING
PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE, FLORIDA
JUNE 19, 1991

Board Members

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Staff Members:
David Frank, Planning Director
Janet Larson, City Planner
Greg Brelton, Planner II
Chris Wren, Planner III
Scott Miller, Planner II
Elizabeth Holt, Planner I
Sharon Miller, Assistant City Attorney

The Regular meeting of the Planning and Zoning Board was called to order by Chairman Snedaker at 7:30 p.m when a quorum was present on the above date, at the City Commission Room, City Hall, 100 N. Andrews Ave., Fort Lauderdale, Florida.

Chairman Snedaker introduced the staff to the audience and explained the process of deliberation.

Chairman Snedaker asked whether there were any additions or corrections to the minutes of May 15, 1991.

Motion made by Mr. Jones that the Board approve the minutes of the Planning and Zoning Board meeting of May 15, 1991; motion seconded by Mr. Drum; carried 8-0.

1. **Calvary Presbyterian Church/C. Craig Edeyard**

   **Request:**
   a) Rezone R-2 to R-3-C Seavanna, P.B. 7, P. 37
      Lots 1 thru 3 and the E. half of lot 4
   b) Vacate S.W. 6 St. abutting
      Lots 1 thru 4 and the E. 5 ft.

   8-Z-91
   25-P-91
Mr. Aurelius stated that he had a potential conflict and stepped down for this item.

Mr. Scott Miller, representing the Planning Department, indicated that this application involved a request to rezone R-2 property to R-3-C. The site is located north and south of S.W. 6 St., between S.W. 7 Ave. and S.W. 8 Ave. The surrounding zoning is primarily R-2 with R-1 zoning directly to the west. The existing land use shows that the north portion of the site is developed as a parking lot, and the south portion is developed as a church. The surrounding neighborhood is primarily single-family residential with low density multi-family residential to the east of the site.

Mr. Miller further indicated that the applicant was also requesting a vacation of a portion of S.W. 6th Street, which is the portion between S.W. 7th Avenue and S.W. 8th Avenue as part of the vacation request the applicant would be required to dedicate plans for a cul de sac and construct according to the City's specifications. The Applicant is also requesting site plan approval for the project of 19 townhouse units with five clusters of buildings. Some of the amenities of the facility include a swimming pool, tennis court, and boat docks.

The Tarpon River Civic Association has a petition for the vacation request and submitted several letters requesting and recommending protection of the neighborhood. Staff concurred with these and recommended approval of the rezoning, vacation and the site plan subject to several conditions.

Conditions on the vacation would be that the Applicant dedicate sufficient right-of-way for the cul de sac and build it to the City’s specifications.

Conditions for the site plan include:
1) The site plan approval is contingent upon the rezoning taking place and upon the vacation taking place;
2) There would be a maximum of four docks, no liveaboards shall be permitted, and dockage should be for the exclusive use of the residents only; and
3) Decorative wrought iron or aluminum picket fencing
should be provided along rights of way. No chain link fence would be allowed.

Mr. Sanders asked if there was enough turn around room and Mr. Miller answered that the two T-turn arounds could be reduced in size and still allow vehicular maneuvering. Mr. Sanders then asked if there had been any discussion of reducing the 18 foot brick pavement along S.W. 7th Avenue on the west half of the right-of-way. Mr. Miller stated that he had not had a chance to discuss it with the engineer and explained that if approved by this Board the site plan will need to go through the final DRC process and this would be addressed at that time.

Mr. Gus Carbonel, 109 N.W. 2nd Avenue, architect for the project, stated that the 19 units had approximately 2,200 square feet per unit. He stated that the project was providing 62 percent green space including the pool and the amenities, with three parking spaces per unit and a great number of end units.

Mr. Dorsey asked if the parking count on the plan included the exterior parking only and Mr. Carbonel stated that it did not include the garage parking. Mr. Jones asked the required distance from the waterway and if any consideration had been given to connecting to the sewers when it became available. Mr. Carbonel stated it was 75 feet and that the plan uses five septic tanks and each set of buildings would have one common line that could be adapted to the sewer hook up.

Mr. Sanders stated that he was disappointed in the landscape design. Mr. Carbonel responded that it was a minimal landscape plan. It was his intention to do a lot more landscaping. In conjunction with landscaping, Mr. Jones asked if any consideration had been given to the type of trees to be planted and the type of shrubbery that will not grow into the drainfield. Mr. Carbonel stated that at this point he had not but he would take care of it.

Chairman Snedaker asked if there was anyone from the audience wishing to speak in favor of the project. Jack Malloy, 801 S.W. 6th Street, president of the Tarpon River Civic Association, stated that the Association supported the project but had a few details to work out with developer. The main issue was the deed restriction issue.

Chairman Snedaker then asked if there was anyone from the audience to speak in opposition to the project. Richard Winer, 712 S.W. 4th Place, directly across the river from the project, stated that he didn’t know if he was for or against the project. He said that he talked to the developer but he did not get any response. He asked about density and vacation of S.W. 6th
Planning and Zoning Board Minutes  
June 19, 1991 - 7:30 p.m.  
Page 4

Street. He wanted to know if the City was going to give the developer the street or was the City going to sell the street. He stated that the only objection that he had was the glare of the metal roof. Chairman Snedaker responded that anyone can come in and petition for zoning changes; that the property was being rezoned to R-3-C and the site plan has to be approved by the Board. He stated that as far as street vacation the property was deeded over to the adjacent property owners at the site. There is no money that changes hands. The City no longer maintains it and is no longer responsible and it goes on the tax rolls. The City then derives its income from the taxation of the property.

Bailey Dondi, 625 S.W. 8th Avenue, stated that he owned two houses in that neighborhood. He stated that he bought his home a year and a half ago and the taxes have increased substantially. He said that he was in favor of the project because he thinks it will enhance the entire neighborhood.

Motion made by Mr. Jones to recommend approval of 8-Z-91; motion seconded by Mr. Dorsey; carried 7-0.

Motion made by Mr. Jones to recommend approval of 26-P-91; motion seconded by Mr. Dorsey; carried 7-0.

Motion made by Mr. Sanders to recommend approval of 31-R-91 subject to staff's recommendations and subject to:
1) Providing a 15 foot diameter stabilized island within the 70 foot cul de sac;
2) Reducing the pavement of the turn-arounds at the end of the parking lot and
3) Reducing the pavement of S.W. 7th Avenue to 12 feet half width; and
4) Providing separation between the sidewalk, if installed, and pavement; motion seconded by Mr. Jones.

Mr. Wynn asked Mr. Sanders if the language came from the suggestions of the Tarpon River Civic Association. Mr. Sanders stated that it was from discussions with the applicant. Mr. Wynn asked the Applicant if it was consistent with his understanding. Mr. Carbonel stated that he had no problem with the recommendation. Motion carried 7-0.

Mr. Wynn stated that the civic association was tremendously helpful in reaching a consensus on this project and should be commended for their efforts.

2. City of Fort Lauderdale Planning Department  
Beach Sign Code Amendment Discussion
INDICATES MARKERS
SCALE: 1" = 50'

SKETCH AND DESCRIPTION
A portion of Proposed Cul-de-Sac

A portion of Lot 31, Block 35, SEAWANNA, according to the plat thereof, as recorded in Plat Book 3, Page 25, of the public records of Broward County, Florida, more fully described as follows:

Beginning at the Northwest corner of said Lot 31; thence on an assumed bearing of South 00° 00' 00" East, on the West line of said Lot 31, said West line, also being the East right-of-way line of S. W. Eighth Avenue (40 feet of right-of-way), a distance of 31.52 feet to a point on a curve; thence Northwesterly on a curve to the left, whose chord bears North 82° 36' 38" East, with a radius of 35.00 feet, a central angle of 94° 31' 14", an arc distance of 57.74 feet to a point on the North line of said Lot 31; thence North 89° 34' 00" West, on the said North line of Lot 31, said North line also being the South right-of-way line of S. W. Sixth Street (40 feet of right-of-way), a distance of 40.85 feet to the Point of Beginning.

Said land situate, lying and being in the City of Fort Lauderdale, Broward County, Florida, and containing 1,044 square feet.

Certified correct. Dated at Fort Lauderdale, Florida, this 9th day of May, 1991.

NOTES: 1) This property was not abstracted for assessements, reservations or right-of-way of record. 2) Legal description prepared by McLaughlin Engineering Co., this 9th day of May, 1991. 3) This is not a survey.

McLaughlin Engineering Co.

Registered Land Surveyor No. 3356
State of Florida. - Robert C. McLaughlin
"Not for" unless Sealed with an embossed Surveyor's Seal

FIELD BOOK No. PRINT Exhibit "A" DRAWN BY DES
JOB ORDER No. 08970 CHECKED BY CA
Regular City Commission Meeting

The City Clerk advised that Item M-5 should be corrected to reflect a one-year contract extension. Mayor Naugle noted that Item M-16 should reference the Riverland Civic Association, and the City Clerk announced that the amount indicated in Item M-17 had been reduced to $14,681.

Motion made by Commissioner Moore and seconded by Commissioner Latona that Consent Agenda Items Nos. M-8, M-13, Pur. 5, Eng. 5, Eng. 8, Eng. 9 and Eng. 11 be deleted from the Consent Agenda and discussed separately, and that the remaining Consent Agenda Items be approved as recommended. Roll call showed: YEAS: Commissioners Keno, Moore, Latona, and Mayor Naugle. NAYS: none.

Vacate Portion of Southwest 6th Street
(PZ Case No. 26-P-91) ................. (PH-1)

At the regular meeting of the Planning & Zoning Board on June 19, 1991, it was recommended 7 - 0 that the following application be approved. Notice of the public hearing was published on August 23 and 30, 1991.

Applicant: Calvary Presbyterian Church
C. Craig Edeward
Request: Vacate portion of Southwest 6th Street
Location: Southwest 6th Street, between Southwest 7th and 8th Avenues

Mayor Naugle called for those who wished to be heard. There were none.

Motion made by Commissioner Moore and seconded by Commissioner Latona that the hearing be closed. Roll call showed: YEAS: Commissioners Keno, Moore, Latona, and Mayor Naugle. NAYS: none.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-91-49

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF S. W. 6TH STREET (SOUTH 2ND STREET BY PLAT) LYING WEST OF S. W. 7TH AVENUE (COLEE AVENUE BY PLAT) AND NORTH OF BLOCK 35 OF "SEAWANNA", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, AT PAGE 25, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Keno, Moore, Latona, and Mayor Naugle. NAYS: none.
Regular City Commission Meeting

Commissioner Moore introduced the following ordinance on first reading:

**ORDINANCE NO. C-91-65**

AN ORDINANCE VACATING, ABANDONING AND CLOSING A
PORTION OF S. W. 13TH COURT LYING WEST OF S. W. 31ST
AVENUE BETWEEN BLOCKS 4 AND 5 OF "BREEZEWAY MANOR
ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED
IN PLAT BOOK 29, AT PAGE 1, OF THE PUBLIC RECORDS OF
BROWARD COUNTY, FLORIDA, SUCH LAND BEING LOCATED IN
THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed:
YEAS: Commissioners Keno, Moore, Latona, and Mayor Naugle.
NAYS: none.

Vacate Portion of Southwest 6th Street
(PZ Case No. 26-P-91) .................................. (0-1)

At the regular meeting of the Planning & Zoning Board on June
19, 1991, it was recommended 7 - 0 that the following
application be approved. Ordinance No. C-91-49 was published on
August 23 and 30, 1991, and passed on first reading at the

Applicant: Calvary Presbyterian Church
C. Craig Edewaard
Request: Vacate portion of Southwest 6th Street
Location: Southwest 6th Street, between Southwest 7th
and 8th Avenues

Commissioner Moore introduced the following ordinance on second
reading:

**ORDINANCE NO. C-91-49**

AN ORDINANCE VACATING, ABANDONING AND CLOSING A
PORTION OF S. W. 6TH STREET (SOUTH 2ND STREET BY PLAT)
LYING WEST OF S. W. 7TH AVENUE (COLEE AVENUE BY PLAT)
AND NORTH OF BLOCK 35 OF "SEAWANNA", ACCORDING TO THE
PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, AT PAGE 25,
OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SUCH
LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE,
BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed:
YEAS: Commissioners Keno, Moore, Latona, and Mayor Naugle.
NAYS: none.

Rezone R-2 to R-3-C (PZ Case No. 8-Z-91) ............... (0-2)

At the regular meeting of the Planning & Zoning Board on June
19, 1991, it was recommended 7 - 0 that the following
application be approved. Ordinance No. C-91-50 was published on
August 23 and 30, 1991 and passed on first reading at the Regular
ORDINANCE NO. C-91-49

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF S. W. 6TH STREET (SOUTH 2ND STREET BY PLAT) LYING WEST OF S. W. 7TH AVENUE (COLEE AVENUE BY PLAT) AND NORTH OF BLOCK 35 OF "SEAWANNA", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, AT PAGE 25, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the Planning and Zoning Board, at its meeting of June 19, 1991 (PZ Case No. 26-P-91), recommended the vacation, abandonment and closing of the below-described portion of a street; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Wednesday, September 4, 1991, at 11:00 o'clock A.M. in the City Commission Room, City Hall, Fort Lauderdale, Florida for the purpose of hearing any objections which might be made to the vacation, abandonment and closing; and

WHEREAS, such public hearing was duly held at the time and place designated and due notice of same was given by publication as is required by law and the City Commission has determined that there were no persuasive objections to the vacation, abandonment and closing as aforementioned; and

WHEREAS, the City Commission has determined that it is no longer necessary for the City to retain such right-of-way;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the below-described portion of a street is hereby vacated, abandoned and closed and shall no longer constitute a public right-of-way:

A portion of Southwest 6th Street (40 feet of right-of-way) bounded as follows:

On the north by the south line of Lots 1, 2, 3, 4, and 5, "SEAWANNA", according to the plat thereof, as recorded in Plat Book 7 at page 37 of the Public Records of Broward County, Florida; on the east by the west right-of-way line of S. W. 7th Avenue; on the south by the north line of Block 35, "SEAWANNA", according to the plat thereof, as recorded in Plat Book 3 at page 25 of the Public Records of Broward County, Florida; on the west by a line 40.85 feet east of (as measured at right angles), and parallel with the east right-of-way line of S. W. 8th Avenue, in the City of Fort Lauderdale, Broward County, Florida.

Location: S. W. 6th Street between S. W. 7th and 8th Avenue.

SECTION 2. That a copy of this Ordinance shall be recorded in the Public Records of Broward County within 30 days from the date of final passage.

C-91-49
SECTION 3. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 5. That this Ordinance shall be in full force and effect ten days from the date of final passage; provided however that if the abutting property owner or its successors and assigns fails to execute and record a conveyance document transferring to the City a right-of-way over the property described in Exhibit "A" attached hereto and incorporated herein, and fails to construct a roadway and cul-de-sac in the area conveyed in accordance with plans and specifications approved by the City Engineer, within 90 days of the effective date of this Ordinance, then this Ordinance shall become null and void.

PASSED FIRST READING this the 4th day of September, 1991.
PASSED SECOND READING this the 19th day of September, 1991.

[Signatures]

ATTEST:

Kris L. Mills
City Clerk

2827y
C-91-49
THIS INSTRUMENT WAS PREPARED BY
AND RETURN TO:
Joseph P. Muller, Esquire
Coral Title of Plantation, Inc.
2928 East Commercial Boulevard, PH-C
Fort Lauderdale, Florida 33308
File No. 13190

PROPERTY ID NO:
504210-40-0050

TRUSTEES' DEED

THIS INDENTURE made this 13th day of June, 2013, between James T. Babb, as Trustee of the Darlene E. Babb Living Trust Agreement dated December 12, 1996, and James T. Babb, as Trustee of the Ronald A. Babb Living Trust Agreement dated December 12, 1996, whose post office address is 3711 Coves North Drive, Chester, SD 57016, Grantors, and Edward J. Kiwin and Betty G. Kiwin, his wife, as tenants by the
entireties, whose post office address is 811 SW 6th Street, Fort Lauderdale, FL 33315, Grantees,

WITNESSETH: That said Grantors, acting pursuant to, and by virtue of, the powers in them vested by the
the Darlene E. Babb Living Trust Agreement dated December 12, 1996 and the Ronald A. Babb Living Trust Agreement dated December 12, 1996, and of every power and authority granted thereunder, and for and in consideration of the sum of One Million One Hundred Thousand and 00/100 ($1,100,000.00) Dollars, and
other good and valuable consideration to said Grantors in hand paid by said Grantees, the receipt whereof
is hereby acknowledged, have granted, bargained and sold to the said Grantees, and Grantees' heirs and assigns forever, the following described land situate, lying and being in Broward County, Florida, to-wit:

Lots Seven (7), Eight (8) and that part of Lot Nine (9) lying and being North of South Second Street, and East of the Canal, known as Tarpon River, of the East Coast Realty Company's Subdivision of Lots One (1), Two (2), Three (3), Four (4), Eleven (11), Twelve (12) and the East One Hundred (100) feet of Lot Five (5), Block Thirty-five (35), of the Town of Fort Lauderdale, according to the plat thereof recorded in Plat Book No.3, Page 96, of the Public Records of Miami-Dade County, Florida; said lands situate, lying and being in Broward County, Florida.

a/v/a Lots 7, 8 and a Portion of Lot 9 lying and being South of South Second Street, and East of the canal known as Tarpon River, of Seawanna, according to the plat thereof, as recorded in Plat Book 7, Page 37, of the Public Records of Broward County, Florida.

SUBJECT TO: Taxes for the year 2013 and thereafter, comprehensive land use plans, zoning, restrictions, prohibitions and other requirements imposed by governmental authority; restrictions and other matters appearing on the Plat or otherwise to the subdivision; and public utility easements of record.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the Grantors hereby covenant with said Grantees that Grantors are fully seized of said land in fee
simple, and Grantors have good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and the said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2012.

(2)
IN WITNESS WHEREOF, Grantors have hereunto set Grantors' hands and seals the day and year first-above written.

Signed, sealed and delivered in our presence:

WITNESSES:

Sign:  S. K. MOTTA
Print Name:  S. K. MOTTA

Sign:  M. BRASIL
Print Name:  M. BRASIL

GRANTORS:

James T. Babb
as Trustee of the Darlene E. Babb Living Trust Agreement dated December 12, 1996

James T. Babb
as Trustee of the Ronald A. Babb Living Trust Agreement dated December 12, 1996

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 13th day of June, 2013, by James T. Babb, as Trustee of the Darlene E. Babb Living Trust Agreement dated December 12, 1996 and as Trustee of the Ronald A. Babb Living Trust Agreement dated December 12, 1996, who is personally known to me or who has produced a valid Driver’s License as identification.

S. K. MOTTA
Notary Public

Printed Notary Name

My Commission Expires:
Warranty Deed

This Indenture, Made this 30th day of December, 2016 A.D., Between Beda C. Dondi, a married man and Caroline Brie Dondi, a single woman and Lauren Janette Dondi, a single woman of the County of Broward, State of Florida, grantors, and Edward J. Kirwin and Betty G. Kirwin, husband and wife whose address is 811 SW 6th Street, Fort Lauderdale, FL 33315 of the County of Broward, State of Florida, grantees.

Witnesseth that the GRANTORS, for and in consideration of the sum of TEN DOLLARS ($10) -------------------------- DOLLARS, and other good and valuable consideration to GRANTORS in hand paid by GRANTEES, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said GRANTEES and GRANTEES' heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Broward, State of Florida, to wit:

Lot 10, Block 35, SEAWANNA, according to the Plat thereof as recorded in Plat Book 3, Page 25, Public Records of Broward County, Florida.

Subject to zoning regulations and ordinances, limitations, all reservations, restrictions, and easements of record however, provided that this shall not serve to reimpose any of the foregoing which have been expired or been terminated, and real estate taxes subsequent to 2016.

Grantor covenants, represents and warrants that the above-described property is not the Grantor's HOMESTEAD, that no member of Grantor's family resides thereon and that the property is not contiguous to property resided on by the Grantor or a member of Grantor's family and that Grantor's HOMESTEAD (BCD) is 1225 Middle River Drive, Fort Lauderdale, Florida 33304.

and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.
Warranty Deed  

Parcel ID Number:  5042-10-41-0010

In Witness Whereof, the grantees have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Printed Name:  Rachel Jayson
Witness

[Signature]
Printed Name:  Jan Gross doran
Witness

Beda C. Dondi
P.O. Address: 1225 Middle River Drive, Fort Lauderdale, FL 33304

[Seal]

Caroline Brie Dondi
P.O. Address: 1225 Middle River Drive, Fort Lauderdale, FL 33304

[Seal]

Lauren Janette Dondi
P.O. Address: 1225 Middle River Drive, Fort Lauderdale, FL 33304

STATE OF Florida
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 20 day of December, 2016 by Beda C. Dondi, a married man and Caroline Brie Dondi, a single woman and Lauren Janette Dondi, a single woman who are personally known to me or who have produced their Florida driver's license identification.

[Signature]
Printed Name: Gaylae G. Hackett
Notary Public
My Commission Expires: May 29, 2020

KIRWIN DONDI
AGENT AUTHORIZATION FROM PROPERTY OWNER

City of Fort Lauderdale
Office of the City Clerk
100 N. Andrews Avenue, 7th Floor
Fort Lauderdale, FL 33301

Re: Owner Authorization Letter

To Whom It May Concern:

Please accept this letter authorizing WILSON C. ATKINSON, III, ESQ. and GREGORY McALOON, ESQ. of Tripp Scott, P.A., to represent our interests in connection with permitting in the City of Fort Lauderdale.

Sincerely,

[Signature]

Edward J. Kirwin

[Signature]
Betty G. Kirwin

STATE OF FLORIDA
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me this 22 day of September, 2018, by EDWARD J. KIRWIN and BETTY G. KIRWIN.

Signature of Notary

[Signature]
Rosalie M Bomzer

Print name of Notary

[Print name]

Personally Known [ ] (OR) Produced Identification [X] Type of Identification Produced

[Driver's License]
APPLICATION FORM

Legal name of applicant — (if corporation, names and titles of officers as well as exact name of corporation — if individuals doing business under a fictitious name, correct names of individuals (must be used). Not fictitious name:

NAME: Edward J. Kirwin  PHONE: 954-274-7164

APPLICANTS ADDRESS: 811 SW 6th Street, Fort Lauderdale, FL 33315

IF UNAVAILABLE CONTACT: Betty G. Kirwin  RELATIONSHIP OR TITLE: Wife

ADDRESS:

ADDRESS AND LEGAL DESCRIPTION OF PREMISES OR AREA AFFECTED.

SITE ADDRESS: 811 SW 6th Street Fort Lauderdale, FL 33315  ZONED: RD-15

LEGAL DESCRIPTION: See provided narrative

DISCUSSION ITEM:

APPLICANTS SIGNATURE & TITLE

OWNERS

NOTICE TO APPLICANT

1. Payment —$100.00 application fee payable to the City of Fort Lauderdale.
2. Proof of ownership by Title Co. or written Attorney’s opinion within the last 30 days.
3. Project Description — Briefly describe the proposed project, any items to explain the request and related property and/or right-of-way items.
4. Six (6) copies, size11”x17” of Land Surveyor’s sketch of plan delineating the area including legal description, property and/or right-of-way lines. Current certified boundary survey (within last 6 months).
5. Ground photos of the area and other material to depict the project.
Zoning Map
Map Created by Property Reporter GIS