

MINUTES

PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING THURSDAY, AUGUST 18, 2005 10:00 A.M. CITY HALL 8TH FLOOR – COMMISSION CONFERENCE ROOM

Members Present:

Mehrdad "Mike" Fayyaz, Assistant City Engineer, Acting Chairman
Tony Irvine, City Surveyor
Sharon Miller, Assistant City Attorney
Kathy Connor, Parks Supervisor,
James Cromar, Planner III, substituting for Jimmy Koeth
Julie Leonard, Assistant Utilities Services Director
Tom Terrell, Public Works Maintenance Manager

Staff Present:

Victor Volpi, Senior Real Estate Officer
Ed Udvardy, Manager of General Services
Judy Johnson, Administrative Assistant I
Phil Thornburg, Parks and Recreation Director
Eileen Furedi, Clerk II
Rafeela Persaud, Word Processing Secretary

Guests Present:

Winston B. Cannicle
Ellen Patterson
Dan Robinson
Jeff Lis
Tom Vogel
Scott Strawbridge
Lee William
Jerry McLaughlin
Ed Cohen
Mikki Ulrich
Susan Wiener
David

Mehrdad "Mike" Fayyaz called the meeting at 10:05 A.M. and stated that this is a Committee with the responsibility of advising the City Manager and City Commission on matters connected with City property.

ITEM ONE: APPROVAL OF JULY 21, 2005 MINUTES

**MOTION BY JULIE LEONARD TO APPROVE MINUTES. SECONDED BY TOM TERRELL.
MOTION PASSED UNANIMOUSLY.**

ITEM TWO: DONATION OF PROPERTY/NW 8 AVENUE AT NW 13 STREET

Address or General Location: 805 NW 13 Street

Victor Volpi introduced item stating at the last meeting (July 21) Property and Right-of-Way (PROW) meeting, this item was deferred until the applicant could get an updated survey showing easements over the property (copy of minutes attached). Victor Volpi introduced Ellen Patterson.

Ms. Patterson stated she has an updated survey which was showing no easements on the property except for the 10-foot easement on lot 9. Ms. Patterson said the alleyway did not apply due to it being commercial property.

Tony Irvine explained that even though there were no easements dedicated, there still were open-ended utilities and the franchise utility companies should weigh in, in writing, and state if any utility easements would be needed in the future.

Julie Leonard said there might be a manhole in the area and a lateral that goes through lot 16. Mike Fayyaz explained that if the Committee agreed to the vacation, a utility easement should be retained with access to the back of the property.

Mike Fayyaz clarified one of the properties that was not part of the development was being serviced from the 10-foot easement and asked about how it would be affected if the easement was vacated. Tony Irvine said some rights should be reserved to access the utilities across the common areas and should consider extending the 10-foot easement to 13th Street.

James Cromar questioned the difference between surplus and donation of the property. Victor Volpi explained that the City would like to give the property to the association who would be the only people to benefit from getting the property. He explained that the City was not allowed to give properties away that are owned fee simple. He said the Attorney's office would work out the details.

MOTION BY TONY IRVINE TO RECOMMEND THE CITY DIVEST ITSELF OF TITLE FROM THE PROPERTY, WITH THE EXCEPTION TO RETAIN A 20-FOOT WIDE EASEMENT SUBJECT TO THE COVERED EXISTING AND OTHER UTILITIES THAT ARE SHOWN ON THE SURVEY, FROM LOTS 9 THROUGH 15, AND CONNECT 13TH STREET TO ALL EXISTING 10-FOOT EASEMENTS, WITH A CONDITION THAT ALL FRANCHISE UTILITIES WOULD BE ASKED TO SIGN-OFF; AND THE METHOD OF TRANSFER BE DETERMINED BY THE CITY ATTORNEY'S OFFICE AND CITY COMMISSION. SECONDED BY SHARON MILLER.

MOTION PASSED UNANIMOUSLY.

ITEM THREE: **EASEMENT FOR BELLSOUTH**

Address or General Location: corner of Bayview Drive and NE 11 Street, in George English Park (1101 Bayview Drive)

Victor Volpi introduced item stating that BellSouth would like a positive recommendation to give them an easement for the placement of a Mesa Cabinet at the corner of Bayview Drive and NE 11 Street in George English Park. Victor Volpi said the cabinet would have room around it for any future expansions. Victor Volpi introduced Susan Wiener.

Ms. Wiener explained that the box would be 8-feet x 8-feet, approximately 6-feet high. Victor Volpi said the ground dirt would be 20-feet x 30-feet. Ms. Wiener explained that the larger pad would be for future expansion. Ms. Wiener said the cabinet would allow to bring electronics closer to the City and would be servicing properties along Bayview Drive. Mike Fayyaz asked about the equipment being placed underground. Ms. Wiener said no. Kathy Connor asked about the location. Ms. Wiener said the setbacks of the sidewalk and parking in the area were taken into consideration when selecting the corner.

Tony Irvine said his concern was with intrusion. He explained there was a case with placing an obtrusive cabinet in the right-of-way and was totally against it. Ms. Wiener explained the cabinet would benefit greatly during hurricane season. Tony Irvine asked about placing the cabinet in a mechanical room at the Galleria.

Tom Terrell said the proposed location would be the worst place to put the cabinet and other areas should be looked regarding the placement of the cabinet, where it would be more compatible with existing equipment and/or easier to landscape and hide. Tom Terrell made a few suggestions as to the cabinet placement - such as near the pump station, or near the Bayview Elementary School. Ms. Wiener said that one of the reasons why the suggested area was picked was because there was an existing manhole. Kathy Connor said the park was extremely busy and there was a lot of traffic in the area. Sharon Miller said that the Utilities subcommittee should be contacted as far as the location. Ms. Wiener said they could choose another area that was less obtrusive.

Phil Thornburg stated if item was recommended, he would like the Parks and Recreation Department to review.

Tony Irvine suggested to withdraw this item until an alternate location has been determined, there has been conversations with the Utilities subcommittee, and reviewed by Parks and Recreation Department. Tony Irvine asked about obtaining a lease from the Galleria mall. Ms. Wiener said no leases; they only try to acquire easements.

ITEM WITHDRAWN.

ITEM FOUR: **CANOPY IN RIGHT-OF-WAY, RIVERWALK**

Address or General Location: north side of North New River Drive and Andrews Avenue

Victor Volpi introduced item stating that this item was deferred from the last meeting so that the Real Estate Office could verify ownership of the property (copy of minutes attached). He stated that he had

determined the property is right-of-way, specifically, North New River Drive West and also, that this item was deferred so that the applicant could submit a plan for the area which we now have. Victor Volpi introduced Tom Vogel.

Mr. Vogel explained they had obtained a license agreement for the patios along Riverwalk for placing tables and chairs, but the agreement did not specify awnings. Mr. Vogel said they would now like to place awnings within the proposed areas.

Sharon Miller asked if it would be permanent awnings. Mr. Vogel said yes and would be as non-visible as possible, off the second-floor. Victor Volpi explained that this item was deferred from the last meeting in order to ensure public access and the public to be allowed to use the tables/chairs.

Tony Irvine asked Sharon Miller about Max's Grille on Riverfront plaza which was on privately owned property in comparison to this item.

Scott Strawbridge stated that he would like to encourage the Committee to work with Tom Vogel. Mr. Strawbridge said the area would be open public access and would benefit the public.

Discussion followed as to the exact locations of the walkway, canopy being off the 2nd floor, gutters, the designs and other design options of the awnings, making the area as attractive and inviting the public to use, and placement of signs for the public.

Tony Irvine said his concern was the appearance of exclusivity of the public area and the public should feel free to sit in the area, without feeling compelled to buy anything. Sharon Miller said if item was approved, there would be an amendment to the original license agreement that was issued.

Mr. Strawbridge explained Riverwalk is a success for both private and public, has activated over \$65 billion, success was mutual, and all have benefited from Riverwalk. Mike Fayyaz stated that the motion should include compliance with Riverwalk guidelines.

MOTION BY JAMES CROMAR TO RECOMMEND APPROVAL AS PRESENTED, WITH A CONDITION THAT THROUGH THE PERMIT PROCESS, PLANNING AND ZONING REVIEW FOR COMPLIANCE WITH THE NEW RIVERWALK CORRIDOR STANDARDS OF ULDR, SIGNAGE OR APPROPRIATE MEANS BE PLACED TO CLARIFY THAT IT WOULD BE PUBLIC SEATING, AND TO AMEND EXISTING AGREEMENT TO INCLUDE AWNINGS. SECONDED BY KATHY CONNOR.

Tony Irvine questioned the signage in the area. Kathy Connor suggested to look at other places regarding signage and how it was incorporated.

**Yeas: James Cromar, Sharon Miller, Kathy Connor, Julie Leonard, Tom Terrell, Mike Fayyaz
Nays: Tony Irvine.**

MOTION PASSED.

ITEM FIVE: **NOISE MONITORING DEVICE IN RIGHT-OF-WAY, SW 28 TERRACE**

Address or General Location: SW 28 Terrace, between 2065 SW 28 Terrace and 2081 SW 28 Terrace

Victor Volpi introduced item stating that the Broward County Aviation Department would like a positive recommendation to allow them to place a noise-monitoring device in the right-of-way of SW 28 Terrace, between residences number 2065 and 2081 or now the alternate location of 2341 and 2409, SW 27 Avenue. Victor Volpi introduced Winston Cannicle.

Mr. Cannicle explained the device and stated the tip was a microphone and was the most sensitive part. Mike Fayyaz asked if this was done before in the City of Fort Lauderdale. Mr. Cannicle said yes; there are three existing ones in the area. James Cromar asked if the device would need to be on a separate pole. Mr. Cannicle said yes. Kathy Connor asked if approval was obtained from the homeowners association and the residents in the area. Mr. Cannicle said this request was initiated by the homeowners association, went through Commissioner Cindi Hutchinson and Broward County, who then instructed the Aviation department. Mr. Cannicle said that the alternate location was shown to the residents of where the pole was being placed.

Discussion followed as to the residents seeing the pole being placed in their yard, the pole being placed in the middle of a pedestrian walkway, any agreement required to allow the pole in the right-of-way, the power source, reference to prior conversation with Bob Dunckel who said a revocable license agreement might be needed, the second location being more useful based on the traffic pattern and the use of the runway, and obtaining a signed and sealed survey.

MOTION BY TONY IRVINE TO RECOMMEND THE COMMISSION GRANT A REVOCABLE LICENSE AGREEMENT TO BROWARD COUNTY AT THE ALTERNATE SITE AS REQUESTED, FOR THE PURPOSE TO INSTALL A NOISE MONITORING DEVICE CONTINGENT UPON ENGINEERING REVIEW, AND CONSENT FOR THE DEVICE TO BE PLACED PROVIDED BY THE ADJACENT PROPERTY OWNERS. SECONDED BY KATHY CONNOR.

Victor Volpi said that the signed letters from the homeowners and a signed, sealed survey should be given to him.

MOTION PASSED UNANIMOUSLY.

ITEM SIX: **VACATION OF ALLEY, SW 12 AND 11 AVENUES**

Address or General Location: alley between SW 11 Avenue and SW 12 Avenue, just north of SW 2 Street

Victor Volpi introduced item stating that the William Cohen Group LLC would like a positive recommendation to vacate the alley between SW 12 Avenue and SW 11 Avenue, just north of SW 2 Street for the purpose of facilitating the construction of townhouses. Victor Volpi introduced Lee Williams, Ed Cohen and Mikki Ulrich.

Ms. Ulrich stated they would like to vacate the alley of Block 119, Waverly Place to build townhouses.

Mike Fayyaz asked about utilities. Ms. Ulrich stated there were no utilities and has letters from all franchise utility companies stating that they have no objections. Julie Leonard asked about the letter from City of Fort Lauderdale stating there were no utilities in the easement. Ms. Ulrich said a letter was received from Robert Smith. Sharon Miller asked if the abutting property owners agreed to the vacation. Ms. Ulrich said their intention was to vacate a portion of the alley and have received letters from respective property owners but Victor Volpi had requested they vacate the entire block.

James Cromar said Planning Department is not supportive of right-of-way and alley vacations request unless there was a compelling reason. He said one of the concerns is for the applicant to look for options to design their project without vacating the alley. Ms. Ulrich stated that the project could not go forward without the vacation of the alley. Mr. Lee Williams stated the alley has not been used in over 30 years.

Sharon Miller said the question would be if there were any plans for the alley in the future, and the overall plan for traffic and street plans should be looked at. James Cromar asked if other options were looked at into maintaining the alley. Kathy Connor asked about incorporating a pedestrian walkway or greenways for the neighborhood. Mr. Lee Williams stated that there would be less density.

James Cromar stated that Planning Department would need more information to make the determination and some questions would be as to different options to the design, options for using the alley as it exists even though it is not being used currently, and being a right-of-way that could be beneficial to the City. He stated one criteria for vacating an alley was to serving a public use and the alley could serve public use in the future. He said in this case, there was no compelling reason to vacate the alley. Kathy Connor said her department is trying to create ways and means to get people to walk. Tony Irvine asked about the criteria for vacating public rights-of-way.

James Cromar read the five criteria for a vacation of right-of-way. Tony Irvine stated that four of the criteria are dependent upon the first criteria which was an existing open right-of-way that was no longer needed for public purposes.

MOTION BY TONY IRVINE TO RECOMMEND APPROVAL OF THE REQUEST FOR A VACATION OF THE ALLEY, WITH THE UNDERSTANDING THAT THIS WOULD BE ONE OF SEVERAL STEPS IN THE PROCESS. SECONDED BY TOM TERRELL.

James Cromar asked if the PROW Committee could defer approval of such items condition upon satisfactory resolution of Planning concerns. Sharon Miller suggested that the approval should read, "subject to..." instead of deferring the item.

Victor Volpi explained each member has a right to object and could make a motion to defer item, with no discussion. Tony Irvine explained that the PROW Committee was asked to look at vacations of rights-of-way in order to get departmental point-of-view and after the Committee's recommendation, the item would then be forwarded to Planning and Zoning (P&Z) for rigorous review, who could then implement their recommendations/conditions, which is then forwarded to the Commission. Victor Volpi said that in going forward, he would ask for an alternative plan when vacating alleys and rights-of-way.

Sharon Miller asked if plans (and maps) could be added as part of the backup for vacations. Kathy Connor said she would like to have the opportunity to work with the applicants in creating

walkways/greenways in the areas. Sharon Miller said she was in agreement with James Cromer and would request the PROW Committee to make a motion to recommend to go forward to P&Z. Tom Terrell said that the applicant should not have to come back to the PROW Committee.

Tony Irvine clarified that he should amend his motion to read "MOTION AMENDED TO RECOMMEND THE APPLICATION MOVE TO THE NEXT STEP IN THE PROCESS WHICH WOULD BE P&Z AND DRC FOR REVIEW. He said he rejected the amendment because the PROW Committee was asked to look at vacations and after the PROW Committee voted, P&Z then review the item and make their recommendations. Mike Fayyaz said that a procedure could be revised at a later time to reflect concerns.

YEAS: Mike Fayyaz, Tom Terrell, Sharon Miller, Julie Leonard, Tony Irvine

NAYS: Kathy Connor, James Cromar

Julie Leonard suggested that one master water meter be installed instead of 16 individual meters.

MOTION PASSED.

ITEM SEVEN: SURPLUS OF PROPERTY – NE 11 STREET AND ANDREWS AVENUE

Address or General Location: 1107 NE 1 Avenue

Victor Volpi introduced item stating that at its last meeting, the PROW Committee deferred this item to get a recommendation from City's Parking Department, and the School Board of Broward County; and representatives from the Parks and Recreation Department was going to research further as to their recommendation.

Victor Volpi said that after speaking with the Parking Division, they did not want to place parking in the area, and after contacting the School Board, he did not get any response from the School Board. Kathy Connor stated that the Parks and Recreation Department had looked at the property and decided they did not need it also.

MOTION BY TONY IRVINE TO RECOMMEND THE COMMISSION TO SURPLUS THE PROPERTY AND PUT FOR SALE. SECONDED BY KATHY CONNOR.

Tony Irvine asked if bids could be obtained for an unbuildable lot or if it has to be incorporated with another parcel. Sharon Miller said it needed to be unified with the ULDR. Victor Volpi explained that he had a conversation with Bob Dunckel about unity of title. Sharon Miller said that according the law, conveyances could not be controlled.

MOTION PASSED UNANIMOUSLY.

ITEM EIGHT: AGREEMENT TO ALLOW TEMPORARY STREET AND ALLEY CLOSURES

Address or General Location: northwest corner of SW 1 Avenue and SW 2 Street, and the alley south of 200 SW 1 Avenue

Victor Volpi introduced item stating 200 Brickell Ltd. would like a positive recommendation to temporarily close portions of SW 1 Avenue, SW 2 Street, West Las Olas Boulevard, and the alley to the north. Victor Volpi introduced Jeff Lis.

Mr. Lis, Stiles Development Co., introduced David Carriello, Senior Project Manager for Stiles. Mr. Lis stated the mobilization process for development of this project has started by doing archeological digs on the site. Mr. Lis said test piles were installed and are in the 30-day curing process. Mr. Lis said the project went through the DRC process three times and does have the support of Commissioner Cindi Hutchinson.

Mr. Lis said one of challenges for building high-rise projects was the responsibility in the dealing with the health, safety and welfare of the public during the demolition and construction process. Mr. Lis stated there would be demolition of a 46,000 square foot building. Mr. Lis explained the construction group was challenged to address the maintenance of traffic plan for this project which would be all four sides of the property, which consisted of 4 public rights-of-way and a 15-foot alleyway that was designated one-way for the approval process to the east. Mr. Lis stated the construction group was challenged to look at ways to phase the staging, deliveries, and construction, with 2 cranes on site, would need to establish air rights agreement with five adjacent property owners for the cranes. Mr. Lis said he was having some challenges with FPL regarding overhead lines which should be underground. Mr. Lis said he has been working with all franchise utility companies get it under control. Mr. Lis said he would like to address the staging and construction of the project over the next 16 months. Mr. Lis explained the project and different stages.

Tony Irvine suggested to defer item due to the complications of creating a Maintenance of Traffic (MOT) and would rather have the Engineering Department review the MOT. Peter Partington said this would probably be accomplished with a revocable license agreement and would need the City Attorney's input. He said one issue was that the current ordinance did not allow public areas to be used for deliveries and storage, for safety reasons. Mr. Lis stated there would be no road closures, and requesting a partial lane closure on 2nd. Mr. Lis said they are requesting closures of sidewalks which have no existing easements and have agreed, as part of the DRC process, to provide easements. Mr. Lis explained that the City had asked them to convert the loading area on Brickell to sidewalk as part of the process. Mr. Lis said they are asking for the ability to close sidewalks that currently exist on their property and would provide routing and signage to move the pedestrian traffic around the construction site in a responsible manner. Mr. Lis explained they would be placing gates on the alleyway in order to control pedestrian traffic during Phase I of the construction project.

Mr. Carriello said this would be a Phase I and Phase II construction project and are working with Riverwalk regarding events, and all necessary personnel during the construction process.

Peter Partington said the applicant should get in contact with Bob Dunckel with regards to a revocable license agreement, and the plan would need to clearly identify the public rights-of-way. Tony Irvine asked for an ALTA survey.

James Cromar explained there were discussions with Tim Welch to make sure all pedestrians (bicycles, wheelchairs, etc.) are appropriately provided for during construction and the applicant is addressing these issues. Peter Partington stated the proposed closed off sidewalks were not public rights-of-way. Tony Irvine said according to the survey, the sidewalk on 2nd Street is on the applicant's property.

Peter Partington said he would suggest the Committee decide if they are okay with the closing of sidewalks. He said his concern was that 2nd Street was a very busy sidewalk.

Discussion followed as to the width of the sidewalk and issuing a revocable license agreement.

Peter Partington asked the width of the sidewalk. Mr. Cariello said it would be five feet. Peter Partington said the Committee, in principle, should recommend if agreed, a revocable license agreement be worked out subject to the MOT being agreed by Tim Welch, the revocable license agreement be worked out by the City Attorney's office, any metered parking spaces, etc., and then be forwarded to City Commission who would then ask if it would be okay to close the sidewalks, in principle. He said the Committee should look at the closing of sidewalks and the alley. Mr. Lis said adequate signage would be provided and designated crosswalks as alternate routes to the current sidewalk locations. Mr. Lis said it would be in the best interest of the pedestrians to be re-routed safely around the construction area during the (approximately) 16 months construction period.

MOTION BY PETER PARTINGTON TO RECOMMEND APPROVAL AS REQUESTED, SUBJECT TO A REVOCABLE LICNESE AGREEMENT BEING WORKED OUT BY THE CITY ATTORNEY'S OFFICE, SUBJECT TO A PLAN BE PROVIDED TO CLEARLY IDENTIFY PUBLIC RIGHTS-OF-WAY, DETAILED MAINTENANCE OF TRAFFIC (MOT) BE WORKED OUT WITH TIM WELCH WHICH WOULD BE AN ATTACHMENT TO THE REVOCABLE LICENSE AGREEMENT, PLANNING AND ZONING LOOK AT THE PEDESTRIAN RE-ROUTING AND MOT. SECONDED BY TOM TERRELL

Mr. Lis stated that they would provide easements for pedestrians and utilities.

MOTION PASSED UNANIMOUSLY.

WALK ON

ITEM NINE: VACATION/QUIT CLAIM PORTION OF S. FEDERAL HIGHWAY

Address or General Location: 3340 SW 6 Avenue

Victor Volpi introduced item stating that McLaughlin Engineering would like a positive recommendation to vacate or quit claim all interests in the property shown on the survey attached as Exhibit H. Victor Volpi said that the deed was vested with Broward County. Victor Volpi introduced Jerry McLaughlin.

Sharon Miller left at noon.

Mr. McLaughlin explained that the 50-feet was less when deeded to Broward County and would like a recommendation to acquire the portion as requested.

Tony Irvine asked if the 50-feet was less for right-of-way. Mr. McLaughlin said that the deed was not specific. Kathy Connor said she would need some time to look at the area regarding greenways. Peter Partington asked if the 17-feet would be right-of-way. Tony Irvine said that it was a piece of property that was never conveyed out the public ownership.

Tony Irvine said there was probably a title mix-up and should have been platted to the 50-foot line instead of the 33-foot line.

Discussion followed as to the portion being right-of-way and owned by the City, obtaining a letter from DOT identifying that Federal Highway is under their jurisdiction and they do have any intentions of claiming the additional 17 feet, getting a title company to do a search and getting an opinion of title for parcels A and the strip, and ownership of the land.

MOTION BY TOM TERRELL TO DEFER. SECONDED BY KATHY CONNOR.

MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 12:20 p.m.