

MINUTES

PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING - REVISED THURSDAY, NOVEMBER 16, 2006, 10:00 A.M. CITY HALL 8TH FLOOR – COMMISSION CONFERENCE ROOM

Members Present:

Peter R. Partington, City Engineer
Bob Dunckel, Assistant City Attorney III
Tony Irvine, City Surveyor
James Cromar, Planner III
Tom Terrell, Public Works Maintenance Manager
Mark Darmanin, Utilities Distribution and Collections Manager
Carol Ingold Mordas, Parks Supervisor
Catherine McCaffrey, Community Inspections Manager

Staff Present:

Victor Volpi, Senior Real Estate Officer
Mehrdad "Mike" Fayyaz, Assistant City Engineer
Jolie Reed, Administrative Assistant I
Gene Schlanger, Economic Development Manager/Real Estate
Ella Parker, Planning Division
Karim Rahmankhah, Engineering Design Manager
Fred Mehr, Electrical Engineer
Earl Prizlee, Engineering Design Manager
Eileen Furedi, Clerk II
Diana Alarcon, Parking Services
Barbara Howell, WaterWorks 2011

Guests Present:

Laura Coffy
Paige Presnell
Brad Terrier
David Huizenga
Ed Trujillo

Peter Partington called the meeting at 10:10 A.M. and stated this was a Committee with the responsibility of advising the City Manager and City Commission on matters connected with City property and public right-of-way.

ITEM ONE: APPROVAL OF OCTOBER 19, 2006 MINUTES

MOTION BY MARK DARMANIN TO APPROVE MINUTES. SECONDED BY TOM TERRELL.

MOTION PASSED UNANIMOUSLY.

ITEM TWO: **VACATION OF UTILITY EASEMENT AND RIGHT-OF-WAY EASEMENT**

Address or General Location: N Andrews Avenue, just south of NW 8 Street

Victor Volpi introduced item stating that Progresso Lofts of Fort Lauderdale, LLC would like your positive recommendation to vacate an 18-foot x 3,600-square foot utility and right-of-way easement along North Andrews Avenue, just south of NW 8 Street, to develop a 48-unit (mixed use project) comprised of 10 townhouse units, 38 high-rise units, and 4,027 square feet of retail space. Victor Volpi introduced Laura Coffy, Attorney for the applicant.

Peter Partington asked about the Broward County Traffic Ways plan. Ms. Coffy said the applicant would enter into a Beautification Agreement with Broward County. Ms. Coffy said the process would include vacation of the easement and 9-foot of the easement would be dedicated back to the County. Mr. Coffy said the original easement was not dedicated to Broward County, but was dedicated to the City.

Peter Partington asked if that requirement was in conjunction with the development. Ms. Coffy said no and explained that the project preceded site plan approval. Ms. Coffy said the easement was not found in the title work prior to approval, but once the applicant began the process of purchasing the property the easement appeared in the title work. Peter Partington said that requirement came about as a result of the development.

Peter Partington asked James Cromar if the City would need additional land other than the 9-feet. James Cromar said no. James Cromar said the Planning Division had the opportunity to review the request and indicated that the site plan received approval through a previous administration.

Ms. Coffy explained that the original property owner did not dedicate the easement further to the north.

Tony Irvine said he would like the Engineering Division to review the proposal, as to the traffic ways.

MOTION BY TONY IRVINE TO APPROVE THE VACATION, SUBJECT TO CONFIRMATION BY THE PLANNING STAFF OF THE TRAFFIC WAYS, AND SUBJECT TO REVIEW BY THE ENGINEERING DIVISION WITH RESPECT TO THE NEEDS OF THE WATERWORKS 2011 PROGRAM, AND REVIEW BY THE DRC. SECONDED BY BOB DUNCKEL.

MOTION PASSED UNANIMOUSLY.

ITEM THREE: **CONSTRUCTION OF SIDEWALKS ON CITY LEASED PROPERTY**

Address or General Location: 1251 SW 42 Avenue

Victor Volpi introduced item stating that the School Board of Broward County would like your positive recommendation to construct sidewalks on a portion of the property they lease from the City for Pine Ridge Alternative Center. He said on July 20, 2006, this item was presented at the Property and Right-of-Way meeting, as a request to give the land to Broward County as right-of-way and was rejected. Victor Volpi introduced Brad Terrier and David Huizenga, with the Broward County Public Works and Transportation Department.

Mr. Terrier said the property was located on the north side of Davie Boulevard / Peters Road Extension and the east side of SW 42 Terrace.

Mr. Huizenga said the land was owned by the City, but was within unincorporated Broward County, was the subject of a Lease Agreement between the City and the School Board, and was currently being developed as the "Pine Ridge Alternative School." Mr. Huizenga said the lease parcel would be used for a parking lot and for construction of ball fields. Mr. Huizenga explained the request was for permission to allow construction on City property to occur under the terms of the lease and to assure that construction of the sidewalk adjacent to the plat was extended and connects to Davie Boulevard / Peters Road Extension.

Discussion followed as to the lease provisions in regard to termination, access of the parking area off 42 Avenue, how heavy equipment could be a risk factor for the sidewalk areas, plans to install a fence behind the sidewalk, and damage due to City accessing for utility purposes.

Bob Dunckel said the general law with regard to indemnification was that the other party, the School Board, does not indemnify the City for damage the City may cause.

MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL OF ALLOWING THE SCHOOL BOARD TO APPROVE THE PLACEMENT OF THE SIDEWALK IN QUESTION, IN THE FIRST INSTANCE THE CITY ATTORNEY'S OFFICE WOULD ATTEMPT TO WRITE A LETTER, IF LEGAL DECIDED THAT A LETTER WAS NOT SUFFICIENT, THE CITY ATTORNEY'S OFFICE WOULD NEED TO AMMEND THE LEASE TO INCLUDE APPROPRIATE SAFEGUARDS AND PROVISIONS. SECONDED BY MARK DARMANIN.

MOTION PASSED UNANIMOUSLY.

ITEM FOUR: EASEMENT FOR FLORIDA POWER & LIGHT (FPL)

Address or General Location: 130 NW 1 Avenue

Victor Volpi introduced item stating that Karim Rahmankhah would like your positive recommendation to approve an easement for a pad-mounted transformer, to replace an existing FPL vault at the Police compound. He said the easement will be 14-feet x 10-feet and 5-feet x 20-feet. Victor Volpi said this was a land locked easement and introduced Karim Rahmankhah and Fred Mehr.

Karim Rahmankhah explained that a new backup generator would have to be installed and in order to do that the electronic transformer must be relocated from underground to above ground.

Bob Dunckel asked if the new equipment would service properties outside the City. Mr. Trujillo (with FPL) said the equipment would service the Police Station only.

Carol Ingold Mordas asked about disruption of the parking lot behind the Parks and Recreation Administration Building. Karim Rahmankhah said construction would be for 30-60 days, the access way would not be disturbed, and wiring already existed at the site.

Mark Darmanin asked if there were any utilities in the area. Karim Rahmankhah said no.

Mr. Trujillo said a standard easement would be given anytime equipment was installed on private property, the existing vault left the equipment susceptible to water, FPL requests permission to build a system overhead (adjacent to the sidewalk vault), and once the transformer was energized the sidewalk vault could be abandon. Mr. Trujillo stated that the City installed the existing underground system, the overhead lines feeding the system would remain the same, and the proposed plan would enable a short interruption time.

James Cromar asked if the proposed plan would have any affect on the redevelopment of the Police Headquarters or the Parks Headquarters that may occur in the future. Peter Partington said that would have to be determined in the future.

Tony Irvine suggested the idea of a temporary easement for installation of facilities, once installed the facilities would be located and an easement would be written to more accurately determine their location.

MOTION BY TONY IRVINE FOR THE COMMITTEE TO RECOMMEND THE GRANTING OF A TEMPORARY CONSTRUCTION EASMENT TO FPL TO INSTALL THE FACILITIES IN A MANNER CONSISTANT WITH THE SKETCH PROVIDED, AND UPON COMPLETION OF INSTALLATION THE CITY WOULD GRANT FPL A PERMANENT EASEMENT SUFFICIENT TO ENCLOSE THEIR FACILITIES. SECONDED BY MARK DARMANIN.

MOTION PASSED UNANIMOUSLY.

ITEM FIVE: STAGING AREAS

Address or General Location: 216 SW 19 Avenue, 720 NW 3 Street, 3740 SW 12 Place, 1870 W State Road 84 and 2220-2300 NW 21 Avenue

Victor Volpi introduced item stating that Barbara Howell would like your positive recommendation to allow staging at five (5) properties, as shown on Exhibit D - H. Ordinance C-02-13 states that the Property and Right-of-Way Committee must review these requests. Victor Volpi introduced Barbara Howell.

216 SW 19 AVENUE / PRIVATE PROPERTY:

Barbara Howell said the property was currently vacant.

Peter Partington asked how long the staging area would be needed. Barbara Howell said construction would be complete by March 2008.

James Cromar asked if the staging area was already in place. Barbara Howell said the contractor has delivered materials to the site.

Discussion followed as to the height of the fence being high enough to hide the view of the materials on the property.

MOTION BY BOB DUNCKEL TO APPROVE THE SITE FOR STAGING, SUBJECT TO THE HEIGHT OF THE STORAGE OF THE STAGING EQUIPMENT BE LIMITED TO A HEIGHT NOT TO EXCEED 6- FEET. SECONDED BY MARK DARMANIN.

Tony Irvine said the quality of Barbara Howell's presentation was exceptional, as always.

MOTION PASSED UNANIMOUSLY.

720 NW 3 STREET / PRIVATE PROPERTY:

Barbara Howell gave a brief description of the location of the site. She said the neighborhood did not have an active association, therefore, a letter could not be sent.

Discussion followed as to sign being placed just outside the fence and not in the right-of-way.

Peter Partington stated the sidewalk should be documented and repaired. Barbara Howell said the property would be returned to the previous condition, which would include the sidewalks and landscaping.

MOTION BY BOB DUNCKEL TO APPROVE THE SITE FOR STAGING, SUBJECT TO THE STACKING OF PIPES, FITTINGS, AND FILL GRAVEL BE LIMITED TO A HEIGHT NOT TO EXCEED 6- FEET. SECONDED BY CAROL INGOLD MORDAS.

Peter Partington pointed out that contractor's have left debris at various sites in the past, which became the City's responsibility to clean up. Bob Dunckel said there would be an agreement between the property owner and the contractor and if the contractor were to abandon the project the responsibility would fall on the property owner and if the site fell into disrepute those issues would fall under a code.

MOTION PASSED UNANIMOUSLY.

Bob Dunckel left at 11:00 a. m. and asked that the balance of the staging sites have the same conditions with regard to the height of the stacking of material.

Peter Partington left at 11:00 a. m. Mehrdad "Mike" Fayyaz, Assistant City Engineer took over as Chairman.

3740 SW 12 PLACE / PRIVATE PROPERTY:

Mike Fayyaz asked Mark Darmanin if he saw any issues with the request. Mark Darmanin said no.

MOTION BY MARK DARMANIN TO APPROVE THE SITE FOR STAGING, SUBJECT TO THE HEIGHT OF THE STORAGE OF THE STAGING EQUIPMENT BE LIMITED TO A HEIGHT NOT TO EXCEED 6- FEET. SECONDED BY TONY IRVINE.

MOTION PASSED UNANIMOUSLY.

1870 W. STATE ROAD 84 / PRIVATE PROPERTY:

Barbara Howell said the Neighborhood Association was notified by letter of the proposed plans and there has not been any response.

Mike Fayyaz asked if there was going to be a filter fabric (netting) around the fence. Barbara Howell said yes and the project construction managers and inspectors work with the contractor to ensure compliance with the ordinance.

MOTION BY MARK DARMANIN TO APPROVE THE STAGING AREA, SUBJECT TO THE HEIGHT OF THE STORAGE OF THE STAGING EQUIPMENT BE LIMITED TO A HEIGHT NOT TO EXCEED 6-FEET. SECONDED BY CAROL INGOLD MORDAS.

Tony Irvine asked about traffic access on State Road 84. Tony Irvine said he would like to ensure that WaterWorks ask the contractor to act responsibly with regard to the flow of traffic in the area. Barbara Howell said the contractor would not be accessing through State Road 84.

MOTION PASSED UNANIMOUSLY.

2220 - 2300 NW 21 AVENUE / CITY OWNED:

MINUTES FOR ABOVE REFERENCED LOCATION TO BE REVISED AND PRESENTED AT THE NEXT PROPERTY AND RIGHT-OF-WAY MEETING (FEBRUARY 15, 2007) FOR APPROVAL.

WALK ON

ITEM SIX: USE OF THE OLD HELISTOP BY THE MOA FOR BUS PARKING

Address or General Location: 130 NW 1 Avenue

Diana Alarcon introduced item stating that the Parking and Fleet Services would like to enter into a Revocable License with the Museum of Art to stage busses at 130 NW 1 Avenue (old helistop site) during the exhibit – The Cradle of Christianity which will run from December 7th, 2006 through April 15th, 2007.

Diana Alarcon said the Museum of Art has requested permission from the City to use this site for the bus staging because they believe the Cradle of Christianity Exhibit will be very popular with the public, hence the need for staging for the buses transporting visitors to the MOA similar to the manner in church this was done during the King Tut Exhibit when they utilized the property under similar Revocable License approved by the Commission at the December 6, 2005 City Commission meeting. There will be no public parking of cars at the property.

Diana Alarcon said the proposed revocable license provides that:

1. MOA may use the parking area seven days per week between the hours of 8 am and 8 pm Monday, Tuesday, Wednesday, Friday, Saturday and Sunday; and 8 am and 9 pm on Thursday.
2. MOA indemnifies the City and provides insurance as a condition to the License.

3. MOA will keep the property clean and free from any debris from their use of the property.

James Cromar asked if all code issues were addressed. Diana Alarcon said yes.

Tom Terrell said the City has a long history in working with the Museum of Art.

Victor Volpi asked about the bus company. Diana Alarcon said various bus companies would be utilized, which would include school buses, charter buses, etc. Diana Alarcon said the bus companies were not contractual to the museum.

MOTION BY MARK DARMANIN TO APPROVE PARKING AND FLEET SERVICES ENTERING INTO A REVOCABLE LICENSE WITH THE MUSEUM OF ART FOR THE TEMPORARY TIME OF THE EXHIBIT. SECONDED BY TONY IRVINE.

MOTION PASSED UNANIMOUSLY.

WALK ON

ITEM SEVEN: VACATION OF EASEMENT

Address or General Location: State Road 7 (441), just north of Peters Road

Victor Volpi introduced item stating that Paige Presnell of Plantation 441 Ltd., would like your positive recommendation to vacate a 10-foot utility easement, a 42-inch water main and a utility easement lying within their property located on State Road 7 (441), just north of Peters Road for the purpose of building townhouses. Victor Volpi stated this item was reviewed at the September 21, 2006, Property and Right-of-Way meeting and it was deferred until such time as Mark Darmanin, Utilities Distribution and Collections Manager, approved the new easement. Victor Volpi said Mr. Presnell has the approval and would like your positive recommendation to vacate the old easement and dedicate the new. Victor Volpi introduced Mr. Presnell.

Mark Darmanin said the applicant was willing to give the City a 25-foot easement on the western and northern portions of the property.

MOTION BY MARK DARMANIN TO APPROVE THE NEW CREATION OF AN EASEMENT ALONG THE WESTERN AND NORTHERN PORTIONS OF THE PROPERTY, SUBSTITUTING FOR THE VACATION OF THE EASEMENT IN THE CENTER OF THE PROPERTY, WHICH WAS A 42-FOOT EASEMENT (RUNNING EAST TO WEST), CONDITIONED UPON ATTORNEY APPROVAL, AND IF FURTHER ABANDONMENT WAS REQUIRED THE CONTRACTOR WOULD MAKE PROVISIONS TO ABANDON THAT WATER MAIN AT THEIR OWN COST. SECONDED BY CAROL INGOLD MORDAS.

MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS

DISCUSSION REGARDING LICENSE AGREEMENTS FOR STAGING AREAS:

Address or General Location: N/A

Earl Prizlee asked the Committee if a memo could be written to the City Attorney's office asking for a standard revocable license agreement. Tony Irvine said no, he could not support the idea, as there are many variable conditions that are unique to each license agreement. Mike Fayyaz said he thought the Committee could support asking the City Attorney's office to expedite these license agreements.

Earl Prizlee asked Victor Volpi how staging requests were normally processed. Victor Volpi said currently the request would go through the Real Estate Office via a memo to the City Attorney's office. Victor Volpi added at the present time the Real Estate Office was going through a reorganized, therefore, he did not know if the process would remain the same.

RIVERSIDE PARK VACATION REQUEST:

Address or General Location: vacation Riverside Park area

James Cromar said he received a memo from Victor Volpi in the Real Estate Office as to a recommendation regarding a right-of-way vacation request in the Riverside Park neighborhood.

Discussion followed as to bringing this item back to the PROW for Committee review.

MOT CRITERIA

Discussion followed as to MOT criteria.

Meeting adjourned at 11:30 a. m.

MINUTES

REVISED – ITEM FIVE - 2220-2300 NW 21 AVENUE

PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING THURSDAY, NOVEMBER 16, 2006, 10:00 A.M. CITY HALL 8TH FLOOR – COMMISSION CONFERENCE ROOM

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Tony Irvine, City Surveyor
James Cromar, Planner III
Tom Terrell, Public Works Maintenance Manager
Mark Darmanin, Utilities Distribution and Collections Manager
Carol Ingold Mordas, Parks Supervisor
Catherine McCaffrey, Community Inspections Manager

Staff Present:

Victor Volpi, Senior Real Estate Officer
Mehrdad "Mike" Fayyaz, Assistant City Engineer
Jolie Reed, Administrative Assistant I
Gene Schlanger, Economic Development Manager/Real Estate
Ella Parker, Planning Division
Karim Rahmankhah, Engineering Design Manager
Fred Mehr, Electrical Engineer
Earl Prizlee, Engineering Design Manager
Eileen Furedi, Clerk II
Diana Alarcon, Parking Services
Barbara Howell, WaterWorks 2011

Guests Present:

Laura Coffy
Paige Presnell
Brad Terrier
David Huizenga
Ed Trujillo

Peter Partington called the meeting at 10:10 A.M. and stated this was a Committee with the responsibility of advising the City Manager and City Commission on matters connected with City property and public right-of-way.

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2220 - 2300 NW 21 AVENUE / CITY OWNED:

Carol Ingold Mordas said the Parks and Recreation Division has reviewed the proposal and are in favor of the request.

Tony Irvine said the site was next to Oswald Park. James Cromar asked if the property was a recently annexed part of the City. Carol Ingold Mordas said yes.

Victor Volpi asked about improvements in the area. Carol Ingold Mordas said an irrigation system would need to be added by the contractor.

MOTION BY MARK DARMANIN TO APPROVE THE STAGING AREA, SUBJECT TO THE HEIGHT OF THE STORAGE OF THE STAGING EQUIPMENT BE LIMITED TO A HEIGHT NOT TO EXCEED 6-FEET, AND THAT THE PARKS AND RECREATION DIVISION SHOULD INCLUDE ANY ADDITIONAL REQUIREMENTS IN THE REVOCABLE LICENSE. SECONDED BY JAMES CROMAR.

Tony Irvine asked who owned the property. Victor Volpi said the City owned the property. Tony Irvine asked if the City would be receiving fair market value for the use of the property. Tony Irvine said he would like the Real Estate Division to be consulted to assure the Parks and Recreation Division that the improvements be traded for use are at least equivalent to fair market value of the rental of the property.

MOTION AMENDED BY TONY IRVINE THAT THE REAL ESTATE DIVISION BE CONSULTED TO GUARANTEE THE PARKS AND RECREATION DIVISION THAT THE IMPROVEMENTS THAT ARE TRADED FOR USE ARE AT LEAST EQUIVALENT TO FAIR MARKET VALUE OF THE RENTED PROPERTY. SECONDED BY JAMES CROMAR.

MOTION PASSED UNANIMOUSLY.