

APPROVED
PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING
CITY HALL, 8TH FLOOR
COMMISSION CONFERENCE ROOM
THURSDAY, AUGUST 20, 2009 – 10:00 AM

COMMITTEE MEMBERS PRESENT

Mike Fayyaz, Acting Chair
Tom Terrell, Public Works
Mark Darmanin, Public Works
Carol Ingold, Parks & Recreation Supervisor
Anthony Fajardo, Planning
Mike Maloney, Code Enforcement

STAFF

Victor Volpi, Senior Real Estate Officer
Antoinette T. Butler, Project Engineer, Parking Services
Dennis Girisgen, Land Development Manager
Jennifer Picinich, Recording Clerk, Prototype, Inc.

CALL TO ORDER

Mr. Fayyaz called the meeting to order at 10:07 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 rights-of-way.

As of this date there were eight appointed members to the Committee, which means four would constitute a quorum. Following a roll call it was determined that a quorum was present.

COMMUNICATIONS TO CITY COMMISSION

None.

ITEM ONE: **APPROVAL OF JULY 16, 2009 MINUTES**

Motion made by Mr. Darmanin, seconded by Mr. Terrell, to approve the July 16, 2009 minutes.

In a voice vote, the motion passed unanimously.

ITEM TWO: **VACATION OF RIGHT-OF-WAY**

ADDRESS OR GENERAL LOCATION: 1444 NW 7 Terrace, 1500 NW 7 Terrace, 1445 NW 7 Avenue, 1501 NW 7 Avenue

Mr. Volpi explained there were four property owners along NW 15th Street from NW 7th Avenue to NW 7th Terrace. This portion of NW 15th Street had been blocked to vehicular traffic with bollards installed by the City of Fort Lauderdale. The four property owners and the Homeowners Association have had constant problems with undesirable activity in this unimproved right-of-way such as noise, drinking, theft, vandalism, littering and selling of drugs. Applicants would like a positive recommendation to vacate this portion of NW 15th Avenue and retain any easements if necessary.

Mr. Volpi stated the petitioners were not present for the meeting. Mr. Darmanin suggested the Committee should decline the application, as vacating a small portion of the property versus the entire width, would not be a good idea, especially without hearing comments from the owner.

Mr. Fajardo thought a study had been done regarding vacating partial streets. Mr. Fayyaz felt the police would also have a strong opinion on the issue. Mr. Terrell noted by maintaining the easement in the right-of-way, certain types of construction would be allowed. Since the area was a gravity sewer main, full width construction and repair would be required.

In response to questions by Mr. Fayyaz, Mr. Fajardo explained he had never see the mentioned study, however he thought Mr. Partington was involved in ongoing discussions with the Civic Association and the City regarding vacating the right-of-way. Mr. Fajardo stated Planning could not support the application without seeing the study.

Motion made by Mr. Terrell, seconded by Mr. Darmanin, to decline the application as stated and allow the due process of the study to proceed.

Mr. Volpi reminded the Committee the motion needed to be stated in the positive.

Motion amended by Mr. Terrell, seconded by Mr. Darmanin, to recommend approval of the vacation as requested.

In a voice vote, the motion failed unanimously.

Mr. Darmanin emphasized Utilities disagreed with the application due to construction concerns. Since the study was not available, Planning also disagreed with the requested vacation. Ms Ingold noted police and fire access would also need to be addressed. Mr. Fayyaz stated any future action would require the study to be available

to the Committee, support from Utilities, and Safety representation, including fire and police, to be present.

ITEM THREE: **RELEASE OF UTILITY EASEMENT**

ADDRESS OR GENERAL LOCATION: 441 North of Peters Road (vicinity of)

Mr. Volpi explained at the June 18, 2009 the Committee discussed various possibilities in regard to the relocation of this utility easement to the satisfaction of the City and the developer. The City Surveyor, Engineer and Utilities Director had since met with the developer and all parties were in agreement as to the location of a new twenty-five foot easement along the west and south property limits.

Mr. Volpi introduced Catherine Donn from Craven and Thompson, representing the applicant. Ms. Donn provided Committee members with diagrams of the area being discussed, and provided a brief history of the project.

Ms. Donn noted there were meetings in the field regarding overlapping utility easements of three and a half feet with the City of Plantation, and related the City of Plantation did not have a problem with the overlap. Mr. Fayyaz asked if the overlapping would have happened if the easement was located on the north side. Ms. Donn confirmed some beautification easements would overlap to the north versus the utility easement overlap to the south.

Mr. Darmanin noted by taking the most southern route the last twenty feet would squeeze down from approximately a twenty-five foot easement to a about an eighteen foot usable easement, with an overlapping three and a half feet on each side. Mr. Darmanin explained Plantation had a vacuum sewer easement currently on the north side, and a water easement on the south side running the length of the property. Mr. Darmanin stated although the suggested easement would pose some hydraulic issues to make some turns, it was the best route to still allow the developer to regain the easement through the middle of the property and develop it. Mr. Darmanin stated Utilities was satisfied with the request, however Mr. Dunckel and Mr. Irvine might have "easement superiority" issues with the application.

Motion made by Mr. Darmanin, seconded by Mr. Terrell, to not vacate the forty-two foot easement until the southern easement was granted. Motion would be contingent upon review by land surveyor, Tony Irvine, and Attorney, Bob Dunckel, to make sure there were no superiority issues.

In a voice vote, the motion passed unanimously.

ITEM FOUR: **SURPLUS CITY PROPERTY**

ADDRESS OR GENERAL LOCATION: 431 NW 21 Terrace

Mr. Volpi explained at the meeting on June 16, 2005 the Committee recommended the Real Estate Office proceed to sell 1711 SW 12th Avenue and 406 NW 21st Terrace with the condition that the sale be restricted to contiguous property owners and a minimum bid for the property be no less than seventy-five percent of the average value of the adjoining land. The property at 431 NW 21st Avenue was deferred until the CRA and Community Development could explore the possibility of purchasing the adjoining land.

Since the CRA and Community Development had no interest in this property, the Real Estate Office would like a positive recommendation to surplus 431 NW 21st Avenue with the condition that the sale be restricted to contiguous property owners and with a minimum bid for the property of not less than seventy-five percent of the average value of the adjoining land.

Mr. Volpi stated there was no interest by the adjoining land owners in purchasing the properties on 12th Avenue or on 21st Terrace. Ms. Flowers continued to call expressing interest in the 21st Avenue property, but Mr. Volpi was unsure Ms. Flowers would be willing to pay seventy-five percent of the average land value.

Regarding the recommendation letter from Gene Groves, Real Estate Officer, provided to the Committee members, Fayyaz asked about the one dollar per square foot asking price. Mr. Volpi confirmed the suggestion was for one dollar per square foot minimum. Mr. Fayyaz asked about the recommendation regarding proper fencing of the property. Mr. Volpi stated the fencing was a suggestion, but did not feel it was legal to make the property owner fence their property.

Mr. Volpi explained the properties were all landlocked. And felt the small slivers of land be given away to the adjacent property owners. The properties were not needed for easements, and giving them to the adjacent property owners would allow the properties to be put back on the tax rolls. However, Mr. Volpi explained the Real Estate Office was chartered to require seventy-five percent of the appraised value. Ms. Ingold pointed out under the current arrangements the adjacent property owners had no motivation to purchase the property.

Mr. Fayyaz asked if there were code issues needing attention. Mr. Volpi confirmed sometimes there were issues. Mr. Fayyaz remembered in the earlier meeting everyone agreed with the seventy-five percent of appraised value, and asked what changed since the last meeting. Mr. Volpi stated there were no changes currently, but he would like to

be able to work with the City Attorney's office to get the property back on the tax rolls. Mr. Terrell did not feel the chartering issues were a function of the Committee, and the members should focus on the request to surplus the properties.

Motion made by Mr. Terrell, seconded by Mr. Darmanin, to surplus the property.

Mr. Fajardo noted on one of the provided maps the adjacent property owner wanted the property for her mother, and was not planning to build a new structure. Mr. Volpi explained the mother used to live on the property, but the house was currently vacant. The only plan was to fence the property for security reasons. Mr. Fajardo suggested the owner talk with Planning and Zoning regarding set backs before proceeding with fencing. Mr. Darmanin noted there were no utilities on either property.

In a voice vote, the motion passed unanimously.

There being no further business to come before the Committee the meeting adjourned at 10:26 a.m.

[Minutes prepared by K. Bierbaum, Prototype, Inc.]