

**APPROVED
PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING
CITY HALL 8TH FLOOR
COMMISSION CONFERENCE ROOM
THURSDAY, AUGUST 19, 2010 – 10:00 A.M.**

Committee Members Present

Mehrdad Fayyaz, Acting Chair
Carol Ingold, Supervisor, Parks and Recreation
John Gossman, Code Enforcement
Antoinette Butler, Parking and Fleet Services
Dennis Girisgen, Public Works
Tony Irvine, Public Works
Mark Darmanin, Utilities
Anthony Fajardo, Planning and Zoning

Staff

Victor Volpi, Liaison, Senior Real Estate Officer
Frank Snedaker, Chief Architect
Sharon Miller, Assistant City Attorney
Carrie Sarver, Assistant City Attorney
Barbara Hartmann, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

Call to Order

Acting Chair Fayyaz called the meeting to order at 10:06 a.m., and stated this was a meeting of the City's Property and Right-of-Way Committee, a City Staff committee with the responsibility of advising the City Commission on matters affecting the dispensation of City property.

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

ITEM ONE

APPROVAL OF JULY 15, 2010 MINUTES

Motion made by Mr. Darmanin, seconded by Ms. Ingold, to approve as presented. In a voice vote, the **motion** passed unanimously.

ITEM TWO

**VACATION OF PORTION OF AN ACCESS AND UTILITY
EASEMENT**

Address: 1531 S Andrews Avenue

Mr. Volpi recalled that this request was deferred from the July 15, 2010 meeting. The Applicant is seeking a positive recommendation to vacate a portion of the 100 ft. access utility easement from Andrews Avenue to Turner Avenue. The developer would currently like to limit the easement to a 12 ft. storm easement and a 24 ft. access easement.

Robert Lochrie, representing the Applicant, explained that at the July meeting, the consensus of the Committee was to combine the access and utility easements; therefore the new proposal is for a combined 25 ft. pedestrian access and utility easement. The Applicant has met with Director Diana Alarcon of Parking and Fleet Services to review the plans for parking at the site. It was determined that metered parking would be installed in the parking lot to the north.

Chair Fayyaz asked if access to a water main was still an issue. Mr. Darmanin advised that the water main on 16th Street is being abandoned and a new location, if needed, will be found for a fire hydrant.

Ms. Butler confirmed that Parking and Fleet Services is satisfied with its agreement with the Applicant. Attorney Sarver recommended that any motion on this Item be contingent upon the execution of this agreement.

Mr. Irvine noted that the easement "covers a sidewalk and part of the parking," and stated he would like further assurance that public access would "appear public" rather than being "public in name only." He noted that the easement appears to lead into a private area and could discourage pedestrian traffic.

Mr. Lochrie advised that the sidewalk would be open to the public, and would include lighting and adjacent landscaping. Mr. Irvine explained he receives calls from members of the public, as well as from the Police Department, regarding public areas that are being "co-opted by private citizens."

Mr. Lochrie noted that the original site plan has expired, and the Applicant is before the Committee to amend that plan to the current proposal. He noted that the proposal before the Committee today is "much more straightforward," as it no longer runs beneath a garage.

Mr. Lochrie said the Applicant could work with the Committee to make the walkway more inviting, but noted there will be curb cuts to provide access to the property. He suggested implementing signage "on both sides" that would make it clear the area offers public access, as well as signage showing the connection to 1st Avenue. Mr. Irvine agreed this would be satisfactory.

Mr. Darmanin suggested building the sidewalk across the driveway to invite pedestrian access. Mr. Lochrie agreed this was a good suggestion. Mr. Irvine said this, along with brass plaques at either end, would be sufficient to address his concern. Mr. Lochrie stated this could be done by the Applicant.

Mr. Volpi asked which parking spaces will be metered. Mr. Lochrie said there will be 22 spaces in the parking lot to the north. Attorney Sarver stated she had met with Director Alarcon and confirmed that this number is correct.

Mr. Lochrie reiterated that the Applicant's agreement with Parking and Fleet Services provides that the Applicant will pay for the installation of the meters and the revenue from the meters will be shared equally between the City and the hospital district. This is a five-year agreement, with three additional five-year extensions by the City for a total of 20 years.

Motion made by Mr. Irvine, seconded by Mr. Darmanin, that the Committee recommend approval of the easement, with the conditions outlined before, which would be the parking agreement contingent upon this, and with brass plaques being placed at either end of the sidewalk indicating clearly that it is public access, and that the sidewalk be continuous from Andrews Avenue to 1st Avenue, even across the driveways. In a voice vote, the **motion** passed unanimously.

ITEM THREE **CITY OWNED PROPERTY**

Address: 2030 NW 14th Avenue

Mr. Volpi explained there is a request by the property owner to sell this property, which the City had received by quick claim deed through Broward County in 2002. The property was part of NW 21st Street that had never joined the other development at that location, and was vacated, leaving this section as "no man's land." Because the City owns the property fee simple, it has to go for bid.

Mr. Irvine commented that the adjoining property owner had parked cars on the property, as he had believed it was part of his own yard, until he was cited for parking on City property. It was noted there are no utilities on the property.

Motion made by Mr. Darmanin, seconded by Mr. Irvine, to approve. In a voice vote, the **motion** passed unanimously.

ITEM FOUR **VACATION & EASEMENTS**

Address: 2401 S Andrews Avenue

Mr. Volpi said the Applicant is seeking a positive recommendation to vacate two easements on the CLC Plat and Croissant Park Plat. The first is an 80 ft. easement remaining after a partial vacation of SW 25th Street, and the second is a portion of a vacated 16 ft. alley that intersects the 80 ft. easement.

Jeff Lis, representing the Applicant, stated the north portion of the site has been targeted for development of a 50,000 sq. ft. single tenant retail use. A plat delegation is currently in process and the issue will come before the City Commission for a hearing on August 24, 2010. A traffic study is underway and a site plan application will be filed within the next two weeks.

The former right-of-way portion of the easement was vacated several years ago, he noted, and the utility portion has been retained. The request would eliminate any conflicts between the easements, active and future lines, and the placement of the building on the site. There are also two FPL easements on the site that will eventually be vacated as well.

Stephen Botek, Engineer, noted that there is some drainage, and has requested copies of FDOT plans for the site. He noted that there is only one catch basin tied in, and there is no water or sewer in the easements. One connection will be maintained for a private easement so the owner is assured that his drainage will get out.

Mr. Darmanin asked if all the utilities that will remain on-site will be private, and new construction of utilities needed to service the building will be placed in either an easement or in a right-of-way. Mr. Botek confirmed this. Mr. Darmanin stated he would support the vacation in this case. He noted, however, that there may be a stub from a water main past the fire hydrant at the site's entrance, and stated if this encroaches, it should be either relocated or stubbed outside at the owner's expense. Mr. Botek agreed with this, although he noted the hydrant itself can remain in its current location.

Mr. Irvine noted that there is a connection for storm drainage to Andrews Avenue, as well as an improvement project in the area. He felt these should be looked into to make sure the storm water license is modified when the site is privatized, and that no one else's drainage is dependent upon the private lines.

Mr. Botek agreed, noting that only two catch basins appeared to be connected to any other parts of the system. Mr. Lis added that the Applicant is making sure the connection is repaved, and power lines are being reconfigured so all lines come in from the south and other lines are abandoned.

Mr. Irvine called the Committee's attention to the catch basins tied into a manhole, which is tied in to other manholes on Andrews Avenue. Mr. Botek said

this is part of what the Applicant proposes to retain, and the water will flow out to Andrews Avenue.

Chair Fayyaz suggested approval of the request could be contingent upon a review by Public Works. Mr. Irvine explained he had intended to make the Committee aware of the possibility that the area should be "cleaned up and handled" when the storm drain license is modified. Mr. Darmanin said based upon the information present, "everything that's on-site is private, everything that's off-site is County and/or state." He reiterated that he would be even more comfortable, however, if a motion on the request is contingent upon the fact that all utilities remaining on-site will be private and all future utilities must be built in the right-of-way or an easement adjacent to the right-of-way.

Attorney Sarver clarified that the sketch refers to Ordinance C-81-5, but the correct number of the Ordinance is C-81-92.

Mr. Lis stated that there has been a request from FDOT to dedicate 10 ft. from the plat line and three additional feet to complete the traffic ways on both sides of the property. He suggested that it would be "cleaner if we vacate and then rededicate" to maintain consistency.

Chair Fayyaz asked if a motion on the Item will need language referring to the dedication of SR-84. Mr. Irvine noted that vacation of a right-of-way, however, is "more complicated" than the vacation of an easement, and Attorney Sarver added that vacation of a right-of-way deals with a different section of Code.

Mr. Lis asked if the Committee could word a motion to give the Applicant the option of discussing the vacation with FDOT. Mr. Irvine advised the Applicant already has this option. Mr. Darmanin stated if the Committee approved the vacation, the Applicant would have the option to exercise the vacation or not.

Motion made by Mr. Darmanin, seconded by Mr. Irvine, to approve the vacation of the two easements and the right-of-way contained in this property, contingent upon the cleanup of the Ordinance language and the fact that all remaining utilities will be private, all new utilities to be built will be private, all services will come from the right-of-way, and contingent upon review by engineering. In a voice vote, the **motion** passed unanimously.

ITEM FIVE **ASSIGNMENT OF LEASE**

Address: 100 SE 1st Street, Suite 136

Mr. Volpi stated the Applicant would like to assign their lease to an individual who wishes to open a deli. The assignment has been pulled by Gene Schlanger, who

is working with the City Attorney's Office, to either sell the business or assign the lease "through some other documentation."

ITEM SIX **LANDSCAPING IN RIGHT-OF-WAY**

Address: NE 19th Avenue

Mr. Volpi advised the Applicant wishes to plant ficus trees and cocoplums in the right-of-way in an effort to hide Comcast boxes and pump stations. He introduced the Applicant, Greg Galland, of the Sunrise Key Tax District.

Mr. Galland explained there are two Comcast boxes and a pump station located in the right-of-way opposite the entrance of Sunrise Key. There is no landscaping around the boxes, and landscaping only on the south and east sides of the pump station. The boxes are roughly 6 ft. in height. Mr. Galland has spoken with individuals from Landscaping and Public Works to obtain approval for his proposal before being informed he had to apply to the Committee for a revocable license.

He said he would like to see the north side of the pump station "enclosed with landscaping," and asked the Committee if there is a mandate for Comcast to provide landscaping around their boxes. Mr. Volpi stated there was not. Mr. Galland stated his association will take on the obligation of the proposed landscaping, including financing and maintenance.

Ms. Ingold pointed out that ficus trees can be an issue due to the white fly problem in the area, which would necessitate spending "hundreds of dollars on chemical control." She suggested that an alternate plant would be a better choice. Chair Fayyaz noted that there are other approved plants that grow to 7 ft. in height, and he could provide information on these plants. Ms. Ingold said cocoplums would not be an issue, although the "horizontal version" of this plant would not grow very tall. Other alternatives were also discussed by the Committee.

Mr. Darmanin cautioned that changing the dynamics of the specific swale in question could worsen flooding problems for underground infrastructure. It would be necessary to ensure that plants "stay off of water mains" and remain roughly 15 ft. from the station in order to allow sufficient access.

Mr. Grossman asked what the intended height of the plants would be. Mr. Galland replied this would be approximately 6 ft.

Mr. Volpi asked if the Application would require an engineering permit. Chair Fayyaz stated his understanding was that a permit from the Building Department is reviewed by Engineering. Mr. Girisgen added Engineering would also have a

chance to review “as part of a revocable license,” which is a separate engineering permit.

Chair Fayyaz stated the Sunrise Key neighborhood would be spending its own funds on the beautification project, and felt the Committee should support this if possible. He suggested that he and Ms. Ingold could provide Mr. Galland with a list of recommendations for the project, such as appropriate height for landscape plants.

Mr. Girisgen advised that a drawing of the landscaping plan showing “all existing utilities” will also be necessary. Mr. Volpi added that Mr. Galland’s contractor will need to meet with Mr. Girisgen to have this approved before a license agreement is prepared. The revocable license will ultimately require approval by the City Commission; Attorney Sarver explained the agreement would include the conditions the Committee will state in its motion, such as no use of ficus, minimum hedge distance, and maintenance by the community, among others.

Motion made by Attorney Sarver, seconded by Mr. Irvine, to approve landscaping in right-of-way, contingent upon the permit, that the Applicant provides the plans, engineering criteria, as well as revocable license, which will include no ficus, that the hedge is 15 ft. away from the pump station, that the community will do the maintenance, provide the irrigation, and if the plants die, the community will replace them as part of maintenance.

Mr. Galland noted that the landscaping currently in place is “right on the edge” of the right-of-way, but is not 15 ft. from the pump station. Mr. Darmanin said the doors of the station open “in certain directions,” which requires greater distance. Mr. Darmanin said he would work with the sketch provided, and the City Attorney’s Office, to “narrow those distances” and include the information in the revocable license.

Mr. Irvine encouraged the Applicant to meet with Chair Fayyaz, Ms. Ingold, and others for suggestions on the project. Chair Fayyaz offered to meet with Mr. Galland following the meeting.

In a voice vote, the **motion** passed unanimously.

Frank Snedaker, Chief City Architect, joined the meeting and explained that drawings are being finalized for Fire Station 46, which will be located at the south end of Mills Pond Park; to do so, the non-vehicular access line requires amendment. It was clarified that this must clear the City Commission before moving on to the County level.

Mr. Girisgen noted that there had been an Application to install monitoring wells in a City alley, and requested that this Application come before the Committee.

He stated he was not comfortable with a private entity placing equipment in a public right-of-way without indemnification insurance. He noted that an agreement can be reached outside the Committee for some simple projects, but "to be safe" he felt this Item should appear on the Agenda.

Mr. Darmanin observed that there is value in bringing some items before a group, as it ensures more thorough vetting of the project and provides the group with an understanding of the issues and problems faced by other members and their Departments. Mr. Irvine and Mr. Volpi agreed this can be not only a positive idea but a necessity. It was agreed that Attorney Sarver would follow up on the issue of flexibility in Items coming before the Committee.

There being no further business to come before the Committee at this time, the meeting was adjourned at 11:18 a.m.

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