# CITY OF MIRAMAR PROPOSED CITY COMMISSION AGENDA ITEM

Meeting Date: November 13, 2019

**Presenter's Name and Title:** Michael Alpert, Principal Planner on behalf of the Community Development Department and Salvador Zuniga, Assistant City Engineer, on behalf of the Engineering and Strategic Development Department

Temp. Reso. Number: 7057

Item Description: Temp. Reso. No. 7057, APPROVING APPLICATION NO. 1905331, FOR THE VACATION OF A TRAFFIC CONTROL DEVICE EASEMENT AND CERTAIN LANDSCAPE BUFFER EASEMENTS IN THE MIRAMAR CENTRAL PLAZA PLAT, AS RECORDED IN PLAT BOOK 182, PAGE 80, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED AT THE NORTHEAST CORNER OF MIRAMAR PARKWAY AND FLAMINGO ROAD. (Principal Planner Michael Alpert and Assistant City Engineer Salvador Zuniga)

Engineer Sa	alvador Zuniga)	, ,	•	•
Consent 🗌	Resolution	Ordinance	Quasi-Judicial 🛚	Public Hearing
Instructions	s for the Office o	f the City Clerk:		
provided as follow	s: on <u>October 28, 2019</u> , i	n a <u>legal</u> ad in the <u>Sun-Sentin</u>	. <u>166.041</u> , Florida Statutes, publed: by the posting the property of 30, 2019. (Fill in all that apply)	
		by Sec, of the City Cottc. vote of the City Commission	de and/or Sec Florida	Statutes, approval of this
Fiscal Impa	nct: Yes 🗌 No [	$\boxtimes$		
REMARKS:				

#### Content:

- Agenda Item Memo from the City Manager to City Commission
- Resolution TR No. 7057
  - Exhibit A: Sketch and Legal Description of Traffic Control Device Easement to be vacated
  - Exhibit B: Sketch and Legal Description of Landscape Buffer Easements to be vacated
- Attachment(s)
  - Attachment 1: Location Map
  - Attachment 2: Email from Broward County stating "No Objection to Traffic Control Device Easement Vacation"



## CITY OF MIRAMAR INTEROFFICE MEMORANDUM

TO:

Mayor, Vice Mayor, & City Commissioners

FROM:

Vernon E. Hargray, City Manager

BY:

Salvador Zuniga, Assistant City Engineek

DATE:

November 7, 2019

RE:

Temp. Reso. No. 7057, approving Application No. 1905331, Vacation of Traffic Control Device Easement and certain Landscape Buffer Easements for the Miramar Central Plaza Plat, located at the

northeast corner of Miramar Parkway and Flamingo Road

**RECOMMENDATION:** The City Manager recommends approval of Temp. Reso. No. 7057, with the following conditions:

- 1. All applicable state and federal permits shall be obtained before commencement of the Development subject to this approval; and
- 2. Prior to the issuance of a building permit, the applicant shall obtain Broward County approval of the vacation of easements.

**ISSUE:** Pursuant to Section 307 of the City's Land Development Code, City Commission approval is required for the vacation of easements.

**BACKGROUND:** FCI Residential Corporation is the Owner/Developer of a proposed mixed-use residential and commercial development known as Miramar Station (the "Project") on approximately 33.84 acres of land located at the northeast corner of the intersection of Miramar Parkway and Flamingo Road ("Property"). The Property was platted as the Miramar Central Plaza Plat recorded in Plat Book 182, Page 80 of Broward County Records on March 8, 2016.

In order to construct the proposed project, the Property's Owner/Developer needs to vacate a Traffic Control Device and certain Landscape Buffer Easements which conflict with the proposed site plan. The list of platted easements to be vacated are as follows:

 A portion measuring 100' x 62' of the 100' x 82' Traffic Control Device Easement along Flamingo Road

- 20' Landscape Buffer Easement along Flamingo Road
- 50' Landscape Buffer Easement along Miramar Parkway
- 20' Landscape Buffer Easement along East Property Line
- 10' Landscape Buffer Easement along East Property Line
- 25' Landscape Buffer Easement along East Property Line

The purpose of the traffic control device easement was to reserve an appropriate area for the installation of traffic control equipment in conjunction with a signalized intersection. In the past, Broward County required these easements for underground sensing equipment to identify when a vehicle approached the traffic signal. More recently, Broward County has moved away from this requirement considering advancements in traffic signalization technology which now uses traffic cameras to accomplish traffic control; thus not requiring such a big area anymore. Broward County Highway Construction and Engineering Division staff has provided email confirmation that they have no objection to the vacation of this easement as per Attachment 2.

The various landscape bufferyard easements are no longer needed, per se, as the approved site and landscape plans reflect the required perimeter landscape buffer yards. The original plat, previously approved for an entirely commercial development, considered a much larger 50' wide buffer along Miramar Parkway based on the previously proposed use of the property, which included a Wal-Mart neighborhood center along with another 140,000 square feet of commercial space. The final site plan that was approved by the City Commission on October 16, 2019, provides for adequate and sufficient buffers and planting material along all perimeters of the site which do not conflict with existing utility easements and other infrastructure.

The Development Review Committee recommended approval for the vacation of the subject Traffic Control Device Easement and Landscape Buffer Easements on September 11, 2019.

The Project Managers for this Project are Michael Alpert, Principal Planner from Community Development Department and Salvador Zuniga, Assistant City Engineer, Engineering and Strategic Development.

Temp. Reso. No. 7057 10/16/19 11/07/19

#### CITY OF MIRAMAR MIRAMAR, FLORIDA

RESOLUTION	NO.
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A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, APPROVING APPLICATION NO. 1905331, FOR THE VACATION OF A TRAFFIC CONTROL DEVICE EASEMENT AND CERTAIN LANDSCAPE BUFFER EASEMENTS IN THE MIRAMAR CENTRAL PLAZA PLAT, AS RECORDED IN PLAT BOOK 182, PAGE 80, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED AT THE NORTHEAST CORNER OF MIRAMAR PARKWAY AND FLAMINGO ROAD; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sections 301 and 307.15 of the City's Land Development Code of Ordinances (the "LDC") provide for the vacation of easements and establishes requirements related thereto; and

WHEREAS, FCI Residential Corporation (the "Property Owner/Developer"), plans to construct a mixed-use residential and commercial development known as Miramar Station (the "Project"), located east of Flamingo Road and north of Miramar Parkway; and

WHEREAS, the "Property Owner/Developer" has requested that the City vacate a portion of a platted Traffic Control Device Easement along Flamingo Road and certain Landscape Buffer Easements ("the Platted Easements") as shown on the attached Exhibits A and B; and

WHEREAS, the Platted Easements are located on Miramar Central Plaza Plat, as recorded in Plat Book 182, Page 80, Public Records of Broward County, Florida; and Reso. No.

WHEREAS, the described Easements are no longer needed and conflict with the proposed Project; and

WHEREAS, Broward County Highway Construction and Engineering Division Staff have confirmed that they have no objection to the vacation of Traffic Control Device Easement; and

WHEREAS, the City has determined that the platted landscape easements are no longer needed as it relates to the approved Miramar Station site plan which incorporates the required landscape bufferyards that provide sufficient landscape material; and

WHEREAS, as required by LDC Section 307.15(d), the Development Review Committee has found that the vacation of the Platted Easements is consistent with the City's Comprehensive Plan, and are no longer needed; and

WHEREAS, the City Manager recommends approval of the vacation of the Platted Easements; and

**WHEREAS**, the City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to approve the vacation of the Platted Easements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

<u>Section 1</u>: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

Reso. No. \_\_\_\_

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11/07/19

**Section 2**: That subject to the conditions of approval set forth in Section 3 of this

Resolution, the City Commission hereby approves Application No. 1905331, for the

vacation of the Platted Easements, as shown on Exhibits A and B.

**Section 3**: **Conditions of Approval.** That the following conditions shall apply

to this approval:

1. All applicable state and federal permits shall be obtained before

commencement of the Development subject to this approval; and

2. Prior to the issuance of a building permit, the applicant shall obtain Broward

County approval of the vacation of easements.

**Section 4**: That the appropriate City officials shall do all things necessary and

expedient to carry out the aims of this Resolution.

Section 5: Approval does not Create a Vested Right. That issuance of this

approval by the City does not in any way create any right on the part of the

Applicant/Developer to obtain a permit from a state or federal agency and does not create

any liability on the part of the City for issuance of the approval if the Applicant/Developer

fails to obtain the requisite approvals or fulfill the obligations imposed by a state or federal

agency or undertakes actions that result in the violation of state or federal law. All

applicable state and federal permits must be obtained before commencement of the

Development. This condition is included pursuant to Section 166.033, Florida Statutes,

as amended.

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Section 6: Failure to Adhere to Resolution. That failure to adhere to the

approval terms and conditions contained in this Resolution shall be considered a violation

of this Resolution and the City Code, and persons found violating this Resolution shall be

subject to the penalties prescribed by the City Code, including but not limited to the

revocation of any of the approval(s) granted in this Resolution and any other approvals

conditioned on this approval. The Applicant/Developer understands and acknowledges

that it must comply with all other applicable requirements of the City Code before it may

commence construction or operation, and that the foregoing approval in this Resolution

may be revoked by the City at any time upon a determination that the Applicant/Developer

is in non-compliance with the City Code.

Reso. No. \_\_\_\_

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Temp. Reso. No. 7057 10/16/19 11/07/19

Section 7: That this Resolution	n shall take effect immediately upon adoption
PASSED AND ADOPTED this o	day of
	Mayor, Wayne M. Messam
	Vice Mayor, Alexandra Davis
ATTEST:	
City Clerk, Denise A. Gibbs	
I HEREBY CERTIFY that I have approved this RESOLUTION as to form:	
City Attorney Austin Pamies Norris Weeks Powell, Pl City Attorney	LLC
	Requested by Administration Commissioner Winston F. Barnes Commissioner Maxwell B. Chambers Commissioner Yvette Colbourne Vice Mayor Alexandra Davis Mayor Wayne M. Messam

#### **LEGAL DESCRIPTION - Traffic Control Device Partial Easement Vacation**

A portion of that certain 100 foot by 82 foot Traffic Control Device Easement lying over and across a portion of Lot 2, **MIRAMAR CENTRAL PLAZA**, according to the Plat thereof, as recorded in Plat Book 182, Page 80, of the Public Records of Broward County, Florida, being more particularly described as follows:

**COMMENCE** at the northwest corner of Lot 1 of said **MIRAMAR CENTRAL PLAZA**; thence along the West line of Lot 1 and along the West line of said Lot 2, South 1°49'55" East, 401.19 feet; thence North 88°10'05" East, 20.00 feet to the **POINT OF BEGINNING**; thence North 88°10'05" East, 62.00 feet; thence South 1°49'55" East, 100.00 feet; thence South 88°10'05" West, 62.00 feet to a point on the aforesaid West line of Lot 2; thence along said line, North 1°49'55" West, 100.00 feet to the Point of Beginning.

Said lands situate, lying, and being in the City of Miramar, Broward County, Florida and containing 6,200 square feet (0.1423 acres) more or less.

#### **SURVEYOR'S NOTES**

- 1. The purpose of this sketch is to depict the elements of the description appearing hereon, and is provided as an aid in its depiction. This sketch is not a survey. Uses inconsistent with its intended purpose are prohibited.
- 2. Measurements shown hereon are expressed in U.S. survey feet and decimal parts thereof.
- 3. The bearings shown hereon are based on the West line of the northwest 1/4 of Section 25-51-40, North 1°49'55" West.
- 4. This drawing is not valid unless bearing the signature and original raised seal of a Florida licensed Surveyor and Mapper. Unsigned copies may be provided for information purposes only.
- 5. Sun-Tech Engineering, Inc. reserved the right to utilize any and all information obtained in the preparation of this sketch for any other purposes.
- 6. The undersigned Surveyor has not been provided a current title commitment or abstract of matters affecting boundary or title to the subject property. It is possible that there are instruments which affect the subject property which are unknown to the reviewing Surveyor.
- 7. Sun-Tech Engineering, Inc. is authorized to provide Surveying and Mapping Services by the State of Florida Department of Business and Professional regulation, License No. LB.7019, pursuant to the provisions of Chapter 472, Florida Statutes.
- 8. Some features may be drawn "out of scale" for the purposes of clarity. Written dimensions take precedence over scaled dimensions.
- This sketch and description consists of 3 sheets and each sheet shall not be considered full, valid and complete unless attached to each other.
- 10. Sources of information used in the preparation of this map of survey are as follows:
  - A. Record plat entitled MIRAMAR CENTRAL PLAZA, Plat Book 182, Page 80, Broward County Public Records.
  - B. Record plat entitled GROVE PLAT, Plat Book 183, Page 5, Broward County Public Records.

CHK.

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- C. Record plat entitled MIRAMAR RESIDENTIAL PLAT, Plat Book 175, Page 84, Broward County Public Records.
- D. Record plat entitled Treo, Plat Book 177, Page 136, Broward County Public Records.
- E. Florida Department of Transportation R/W Map Section 86190-2521, Sheet 10 & 11 of 15, last revision date 11-29-00.

#### SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY that the herein captioned Sketch of Description is true and correct to the best of my knowledge and belief, as prepared under my direction, supervision and responsible charge.

Sun-Tech Engineering, Inc.

Date of Preparation: May 20, 2019.

STE Sun-Tech = Engineering, Inc.
Engineers-Planners-Surveyors

REVISE

REVISE

REVISION

DATE

6/26/2019

7/25/2019

4577 Nob Hill Road, Suite 102 Sunrise, FL 33351 www.suntecheng.com

BY

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W

Certificate of Auth. #7097/LB 7019 Phone (954) 777-3123 Fax (954) 777-3114 Donald L. Cooper, P.S.M.

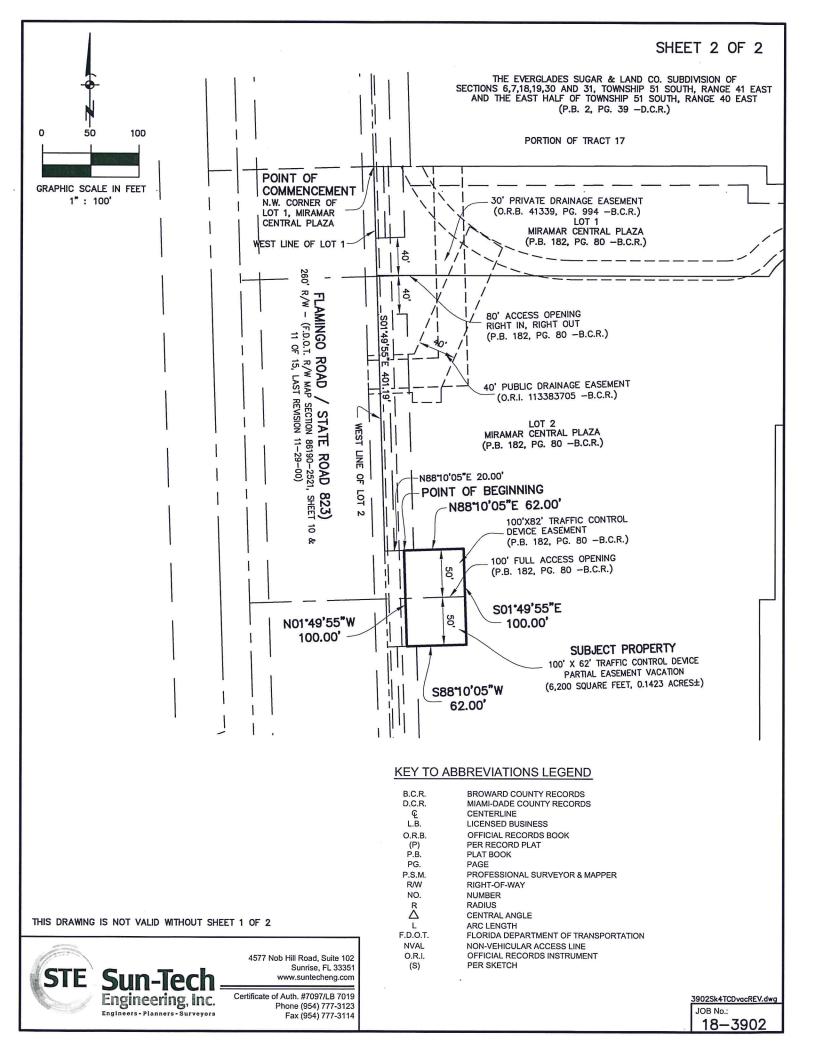
Professional Surveyor and Mapper Florida Registration No. 6269

11/06/2019 Date

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JOB No.:

18-3902



### **Exhibit B**

# Proposed Easement Vacation Sketch & Legal Descriptions

#### **SURVEYOR'S NOTES**

- The purpose of this sketch is to depict the elements of the description appearing hereon, and is provided as an aid in its depiction. This sketch is not a survey. Uses inconsistent with its intended purpose are prohibited.
- Measurements shown hereon are expressed in U.S. survey feet and decimal parts thereof.
- 3. The bearings shown hereon are based on the West line of the northwest 1/4 of Section 25-51-40, North 1°49'55" West.
- This drawing is not valid unless bearing the signature and original raised seal of a Florida licensed Surveyor and Mapper. Unsigned copies may be provided for information purposes only.
- Sun-Tech Engineering, Inc. reserved the right to utilize any and all information obtained in the preparation of this sketch for any other purposes.
- The undersigned Surveyor has not been provided a current title commitment or abstract of matters affecting boundary or title to the subject property. It is possible that there are instruments which affect the subject property which are unknown to the reviewing Surveyor.
- Sun-Tech Engineering, Inc. is authorized to provide Surveying and Mapping Services by the State of Florida Department of Business and Professional regulation, License No. LB.7019, pursuant to the provisions of Chapter 472, Florida Statutes.
- Some features may be drawn "out of scale" for the purposes of clarity. Written dimensions take precedence over scaled dimensions.
- This sketch and description consists of 5 sheets and each sheet shall not be considered full, valid and complete unless attached to each other.
- 10. Sources of information used in the preparation of this map of survey are as follows:
  - A. Record plat entitled MIRAMAR CENTRAL PLAZA, Plat Book 182, Page 80, Broward County Public Records.
  - Record plat entitled GROVE PLAT, Plat Book 183, Page 5, Broward County Public Records.
  - C. Record plat entitled MIRAMAR RESIDENTIAL PLAT, Plat Book 175, Page 84, Broward County Public
  - Record plat entitled Treo, Plat Book 177, Page 136, Broward County Public Records. D.
  - Florida Department of Transportation R/W Map Section 86190-2521, Sheet 10 & 11 of 15, last revision date 11-29-00.

#### SURVEYOR'S CERTIFICATION

DATE REVISION 8 снк.

Sun-Tech Engineering Vince Date of Preparation: May 14, 2019

5.16.2019

4577 Nob Hill Road, Suite 102 Sunvise, FL 33351 www.suntecheng.com Certificate of Auth. #7097/LB 7019

Phone (954) 777-3123

Fax (954) 777-3114

Professional Surveyor and Mapper

I HEREBY CERTIFY that the herein captioned Sketch of Description

is true and correct to the best of my knowledge and belief, as prepared under my direction, surpervision and responsible charge.

Engineering, Inc.

Donald L. Cooper, P.S.M. Florida Registration No. 6269

3902Sk3-LBEvac.dwg JOB No.: 18-3902

#### **LEGAL DESCRIPTION - Landscape Buffer Easements Vacation**

A portion of those certain Landscape Buffer Easements lying over and across Lot 1, MIRAMAR CENTRAL PLAZA, according to the Plat thereof, as recorded in Plat Book 182, Page 80, of the Public Records of Broward County, Florida and being more particularly described as follows:

**BEGIN** at the most westerly southwest corner of said Lot 1; thence along the West line of said Lot 1, North 1°49'55" West, 36.69 feet to a point on the arc of a non-tangent curve, (a radial line through said point bears North 00°07'50" West); thence southeasterly along the arc of said curve being concave to the southwest, having a radius of 6163.15 feet, a central angle of 3°38'50", an arc distance of 392.34 feet; thence South 3°42'37" West, 50.00 feet to a point hereinafter referred to as **REFERENCE POINT A**, said point being on the arc of a non-tangent curve with a radial line through said point bearing North 3°30'55" East; thence northwesterly along the arc of said curve being concave to the southwest, having a radius of 6113.15 feet, a central angle of 3°30'25", an arc distance of 374.17 feet to the most southerly southwest corner of said Lot 1; thence along the aforementioned West line of Lot 1, North 45°56'44" West, 19.14 feet to the Point of Beginning.

#### **TOGETHER WITH:**

COMMENCE at said REFERENCE POINT A, (said point being on the arc of a non-tangent curve with a radial line through said point bearing North 3°30'55" East); thence southeasterly along the arc of said curve being concave to the southwest, having a radius of 6113.15 feet, a central angle of 00°22'30", an arc distance of 40.00 feet to the POINT OF BEGINNING; thence North 3°42'37" East, 50.00 feet to a point on the arc of a non-tangent curve, (a radial line through said point bears North 3°53'20" East); thence southeasterly along the arc of said curve being concave to the southwest, having a radius o 6163.15 feet, a central angle of 1°59'10", an arc distance of 213.65 feet to a point of reverse curvature; thence southeasterly along the arc of said curve being concave to the northeast, having a radius of 5895.15 feet, a central angle of 00°04'04", an arc distance of 6.98 feet; thence South 5°19'43" West, 50.00 feet to a point on the arc of a non-tangent curve, (a radial line through said point bears South 5°48'11" West); thence northwesterly along the arc of said curve being concave to the northeast, having a radius of 5945.15, a central angle of 00°04'19", an arc distance of 7.46 feet to a point of reverse curvature; thence northwesterly along the arc of said curve, being concave to the southwest, having a radius of 6113.15, a central angle of 1°59'05", an arc distance of 211.76 feet to the Point of Beginning.

#### **TOGETHER WITH:**

COMMENCE at the southeast corner of said Lot 1; thence along the East line of said Lot 1, North 01°48'56" West, 10.01 feet to the POINT OF BEGINNING, said point being on the arc of a non-tangent curve with a radial line through said point bearing South 00°56'56" West); thence northwesterly along the arc of said curve being concave to the northeast, having a radius of 5945.15 feet, a central angle of 3°53'25", an arc distance of 403.67 feet; thence North 5°19'43" East, 50.00 feet to a point on the arc of a non-tangent curve, (a radial line through said point bears South 4°50'07" West); thence southeasterly along the arc of said curve being concave to the northeast, having a radius of 5895.15 feet, a central angle of 3°40'05", an arc distance of 377.41 feet; thence North 1°48'56" West, 428.01 feet; thence South 89°42'10" West, 20.01 feet; thence North 1°48'56" West, 531.78 feet; thence South 88°11'04" West, 15.00 feet; thence North 1°48'56" West, 108.99 feet to a point on the North line of said Lot 1; thence along said line, North 89°44'56" East, 25.01 feet; thence South 1°48'56" East, 630.35 feet; thence North 89°42'10" East, 30.02 feet to the northwest corner of Parcel "A", TREO, according to the Plat thereof, as recorded in Plat Book 177, Page 136, of the Public Records of Broward County, Florida, said point being on the aforesaid East line of Lot 1; thence along said East line, South 1°48'56" East, 488.55 feet to the Point of Beginning.

Said lands situate, lying, and being in the City of Miramar, Broward County, Florida and containing 223,629 square feet (5.1338 Acres), in aggregate, more or less.

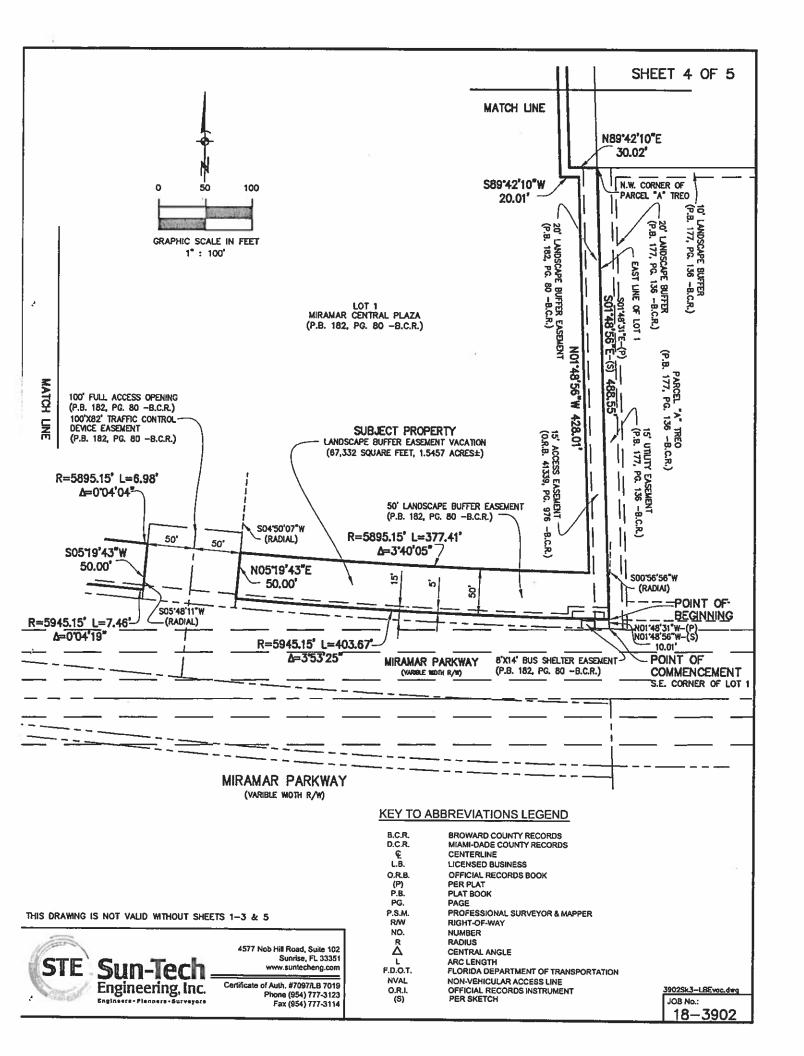


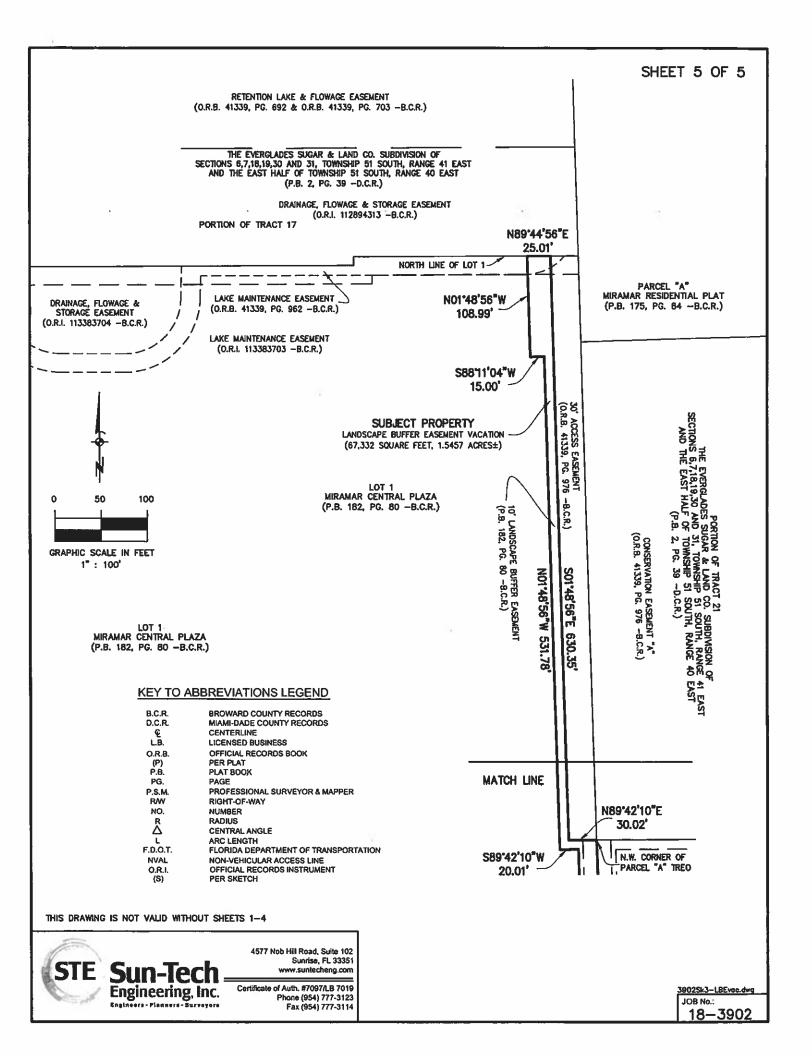
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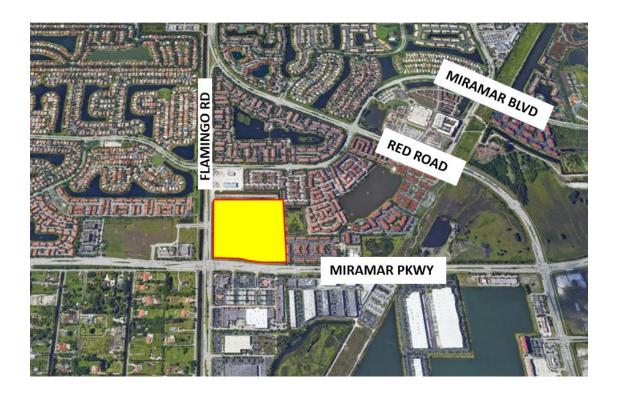
JOB No.: 18-3902





# **LOCATION MAP**





#### **ATTACHMENT 2**

#### **Tyler Woolsey**

From:

Mike Gai <mgai@suntecheng.com>

Sent:

Thursday, April 18, 2019 2:20 PM

To:

Dennis Mele; Alejandro.Arellano@fciresidential.com; Tyler Woolsey

Subject:

FW: Miramar Central Plaza Plat PB 182/80 002-MP-14

Follow Up Flag:

Follow up

Flag Status:

Flagged

DG has no issues with the vacation of the traffic control easement see below

Regards,



#### Mike Gai

Principal (954)777-3123 Ext. 310 Office (954)777-3114 Fax 4577 Nob Hill Road, Suite 102 Sunrise, FL 33351 mgai@suntecheng.com www.suntecheng.com

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From: Mcguire, David < DMCGUIRE@broward.org>

Sent: Thursday, April 18, 2019 2:16 PM To: Mike Gai <mgai@suntecheng.com>

Subject: RE: Miramar Central Plaza Plat PB 182/80 002-MP-14

Mike,

No issue.



David (D.G.) McGuire, RLA

Plat Section

Highway Construction and Engineering Division

1 N University Dr, Box B300,

Plantation, FL 3332

Phone: 954-577-4602 dmcguire@broward.org

From: Mike Gai <mgai@suntecheng.com> Sent: Thursday, April 18, 2019 7:48 AM

To: Mcguire, David < <a href="mailto:DMCGUIRE@broward.org">DMCGUIRE@broward.org</a>>

Subject: Miramar Central Plaza Plat PB 182/80 002-MP-14

**External Email:** Do not reply, click links, or open attachments unless you recognize the sender's **email address** as legitimate and know the content is safe.

DG just would like to confirm that you have no objection to the vacation of the 110' x 82' Traffic Control Easement on Flamingo Road at the 100' full access opening.

#### Regards,



# Mike Gai Principal (954)777-3123 Ext. 310 Office (954)777-3114 Fax 4577 Nob Hill Road, Suite 102 Sunrise, FL 33351 mgai@suntecheng.com www.suntecheng.com

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