



Public Works Department  
**HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION**  
1 N. University Drive, Box B300, Plantation, Florida 33324-2038 • 954-577-4555 • FAX 954-357-5715

**M E M O R A N D U M**

DATE: April 13, 2021

TO: Josie Sesodia, Director  
Planning and Development Management Division

FROM: David (D.G.) McGuire, Project Manager  
Plat Section, Highway Construction and Engineering Division

Noemi Hew, Planner  
Transportation Department, Service Development

SUBJECT: Delegation Request: Modify Conditions of Plat Approval  
(Amendment to Non-Vehicular Access Line)  
Maimonides Day School Campus Two Plat (003-MP-06)

The Highway Construction and Engineering Division and the Transportation Department, Transit Division have reviewed the application for modifications to the conditions of plat approval for the subject plat. In part, the application is a request to amend the non-vehicular access line (NVAL) along SW 40<sup>th</sup> Avenue adjacent to the plat. Our review included the information contained in the application, the property survey, the site plan (or conceptual access plan), the recorded plat, and the Development Review Report approved by the County Commission. Our review also included changes to the adjacent roadways and changes on the adjoining properties.

As a result of our review, staff has determined that new and amended plat requirements are necessary to ensure safe and adequate access between the adjoining Trafficway(s) and plat to comply with the adequacy standards of the Broward County Land Development Code. Staff recommends APPROVAL of the proposed NVAL amendment subject to the following:

#### NON-VEHICULAR ACCESS LINE AMENDMENT AGREEMENT

It is the express intent of this non-vehicular access line to eliminate all proposed openings and existing driveways not specifically delineated in the following comments:

1. The property owners of Maimonides Day School (Folio Number 504231260010) must fully execute the Amendment to Nonvehicular Access Lines Agreement (CAF #457) and submit it to the Highway Construction and Engineering Division for review and approval.
2. The applicant must prepare the legal descriptions for the Exhibits to the NVAL Amendment Agreement according to the details outlined in this report.
3. An Opinion of Title from an attorney or a Title Certificate from a title company must be submitted with the NVAL Amendment Agreement and must include the following information:
  - a. Same legal description as the affected portion of the recorded plat.
  - b. Record owner(s) name(s).
  - c. Mortgage holder(s) name(s) If none, it should so state.
  - d. Date through which records were searched (within 30 days of submittal).
  - e. Original signature and/or seal.
4. For properties held by partnerships or trusts, the applicant must submit copies of the partnership or trust documents, or an opinion from an attorney familiar with the partnership or trust listing the partner(s) or trustee(s) who may execute agreements and deeds.

#### NON-VEHICULAR ACCESS LINE REQUIREMENTS

5. Exhibit "C" to the NVAL Amendment Agreement shall describe and illustrate a new non-vehicular access line along SW 40<sup>th</sup> Avenue adjacent to the plat except at the following openings:
  - a. A 36-foot opening with centerline located approximately 18 feet north of the south plat limits. This opening is restricted to and physically channelized for right turns IN only.

This opening shall be labeled on Exhibit C: RIGHT-IN TURNS ONLY.
  - b. An existing 50-foot opening centered approximately 115 feet south of the north plat limits. This opening is restricted to and physically channelized for right turns only.

This opening shall be labeled on Exhibit C: RIGHT-IN, RIGHT-OUT TURNS ONLY.

#### ACCESS REQUIREMENTS

6. All channelized driveways shall consist of one lane with a pavement width of 15 feet, with minimum entrance and egress radius of 50 feet.
7. For the two-way driveway that will be centered in a 50 foot opening: the minimum pavement width shall be 24 feet, the minimum radius shall be 50 feet.

#### TRAFFICWAYS IMPROVEMENTS (Secure and Construct)

8. The physical channelization of the driveway in the 36-foot opening on SW 40<sup>th</sup> Street as specified under the non-vehicular access line requirements.
9. The removal of all existing driveways in locations not consistent with approved openings in the non-vehicular access line and the construction of curb, gutter, and sidewalk in these openings when necessary to complete the required improvement.

#### TURN LANE IMPROVEMENTS (Secure and Construct)

10. Northbound right turn lane on SW 40<sup>th</sup> Avenue from the 36-foot opening continuing through to the 50-foot opening.

#### SIDEWALK REQUIREMENTS (Secure and Construct)

11. Along SW 40<sup>th</sup> Street adjacent to this plat.

#### PAVEMENT MARKINGS AND SIGNS (Secure and Construct)

12. Construction of the required improvements shall include installation of signs and thermoplastic pavement markings. Pavement markings and signs shall be designed, fabricated, and installed in accordance with Traffic Engineering Division standards. The security amount for pavement markings and signs will be based on the approved construction plans or the approved engineer's cost estimate as outlined below. Design and installation of the required markers and/or signs are subject to approval by Florida Department of Transportation for projects located on a FDOT jurisdictional roadway.

#### IMPROVEMENT AGREEMENT AND SECURITY REQUIREMENTS

13. Section 5-184(d)(2) of the Broward County Land Development Code requires a recordable agreement for the required improvements. The owner of this plat shall enter into the standard Installation of Required Improvements Agreement (CAF#450) and submit it to the Highway Construction and Engineering Division for review and approval prior to plat recordation. The completion date for all required improvements listed as Exhibit "B" shall indicate completion prior to issuance of Certificates of Occupancy. Alternate phasing schedules must receive prior approval from the Highway Construction & Engineering Division. The use of a non-standard agreement will require independent approval by the County Commission.
14. The Installation of Required Improvements Agreement shall be secured by letter of credit, cash, lien, or other security acceptable to the County. Security instruments for all required improvements shall be submitted prior to NVAL Amendment Agreement recordation and/or commencement of construction. Security amounts shall be based upon the one of the following:
  - a. Approved construction plans. When security is based on approved construction plans, the security will be calculated at one hundred (100%) percent of the cost of the improvements. Requirements for submitting construction plans are outlined below.
  - b. Engineer's cost estimate. When security is based on an engineer's cost estimate, the security will be calculated at one hundred twenty-five (125%) percent of the cost of the improvements. Engineer's cost estimate(s) must be submitted for review by the Highway Construction and Engineering Division. Use of approved cost estimate forms is required. Payment of the applicable review fee is required pursuant to Chapter 38.8 of the Broward County Administrative Code.
  - c. All forms are available on the Highway Construction & Engineering Division's web page at:  
<http://www.broward.org/Publicworks/BCEngineering/Pages/Default.aspx>

IMPROVEMENT PLAN SUBMITTAL (Pre-construction and Security Release Requirements)

15. Construction plans for the required improvements (including pavement marking and signing plans) shall be submitted to Highway Construction and Engineering Division for review, and must be approved prior to the commencement of construction. Construction shall be subject to inspection and approval by the County. Pavement marking and signing shall be provided for all of the Improvements and shall be subject to review, field inspections and final approval by the Traffic Engineering Division. Security for pavement markings and signing shall not be released without field inspection and final approval by the Traffic Engineering Division of all materials, installations and locations.

GENERAL RECOMMENDATIONS

16. Distance and measurement recommendations contained in this report were based on the best information available at the time of review. County staff may approve minor adjustments based on verified field conditions or details provided in approved construction plans.
17. All construction must include all necessary transitions to existing pavement, the lengths of which shall be determined by the design speed of the roadway. All designs, construction, studies, etc., shall conform to the applicable sections of the following:
  - a. United States Department of Transportation: "Manual on Uniform Traffic Control Devices" (MUTCD).
    - 1) State of Florida Department of Transportation:
    - 2) "Roadway and Traffic Design Standards."
    - 3) "Standard Specifications."
    - 4) "FDOT Transit Facilities Guidelines."
  - b. Broward County: "Minimum Construction Standards for Roadways Under Broward County Jurisdiction" (Exhibit 25A of Section 25.1, Broward County Administrative Code).
  - c. In addition, all designs for construction shall be certified by a Professional Engineer, registered in the State of Florida, that they meet the standards included above.
  - d. All standard forms are available for downloading from the Highway Construction and Engineering Division's website:  
<http://www.broward.org/Publicworks/BCEngineering/Pages/Default.aspx>.

Delegation Request: Modify Conditions (NVAL)  
Maimonides Day School Campus Two Plat (003-MP-06)  
Page 6 of 6

---

18. The developer shall prepare and deliver all required documents, securities, deeds, easements, and agreement(s) within 18 months of approval of this Delegation Request. Failure to complete this process within the 18-month time frame shall render the approval of this Delegation Request null and void.
19. If processed concurrently, no Note Amendment may be recorded at public record until the NVAL agreement has been recorded or they may be recorded concurrently.

dgm