



Resilient Environment Department
URBAN PLANNING DIVISION
1 N. University Drive, Box 102 · Plantation, FL 33324
T: 954-357-6666 F: 954-357-6521
Broward.org/Planning

Review and Approval of Vacation Petition Application

Review

Date: 02/15/2023

To: County Attorney's Office **Attention:** Maite Azcoitia, Office of County Attorney

From: Planning and Development Management Division

Subject: Vacation Petition No.: 2023-V-04

Petitioner(s): District Board of Trustees Broward Jr. College% FACILITIES MANAGEMENT

Agent for Petitioner(s): Dennis D. Mele, Greenspoon Marder LLP

Type: ☐ Vacating Plats, or any Portion Thereof (**BCCO 5-205**)
 ☒ Abandoning Streets, Alleyways, Roads or Other Places Used for Travel (**BCAC 27.68**)
 ☒ Releasing Public Easements and Private Platted Easements or Interests (**BCAC 27.69**)

Project: ☒ Easement ☐ Right-of-Way ☐ Other

Pursuant to Florida Statute Chapter 177.101 and the above sections of the Broward County Administrative Code and Code of Ordinances, the following determined that the requested vacation petition would not affect the ownership or right of convenient access of persons owning other parts of the subdivision:

Designated Review Agencies and Organizations

Date: _____

Required Documentation

- ☒ Vacation Petition Application Date Accepted: 02/15/2023
- ☒ File Fee (made payable to **Broward County Board of County Commissioners** and deposited)
- ☒ Petitioner Notice of Intent Dates Published: N/A and N/A
- ☒ Certificate of Real Estate Taxes Paid [Revenue Collection Division] Date: 01/18/2023
- ☒ Property Location ☒ Municipality of Town of Davie ☐ Municipal Service District
- ☒ Certified Copy of Municipal Resolution No: N/A Date(s): N/A
- ☒ Sketch and Legal Description by: James D. Stoner, Surveyor No 4039
- ☒ Location Map (Created by County Surveyor)
- ☐ Aerial Photograph and Section Map (No longer provided; advise if needed for review)
- ☒ Plat, if applicable ☐ Certified ☒ Copy
- ☐ Written Consent of All Abutting Owners in Plat, if applicable
- ☒ Certificate or Opinion of Title by: _____ Date: 01/09/2023
- ☐ Documentation of all reviewers responding "no objection/no comment"
- ☒ Waivers of Objection by Utility Companies
- ☒ Draft Resolution to Set Public Hearing
- ☒ Draft Resolution of Adopted Vacation

Approval

Approved subject to the Office of the County Attorney's receipt, review, and approval of a Title Certificate dated within 45 days prior to the Public Hearing.

Reviewed and Approved as to Form by: ALEXIS MARRERO-KORATICH
Digitally signed by ALEXIS MARRERO-KORATICH
Date: 2023.04.04 13:11:17 -04'00'

Print Name: Alexis I. Marrero Koratich

Date: 04/04/2023



Resilient Environment Department
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Application Number 2023-V-04

Development and Environmental Review Online Application

Project Information			
Plat/Site Plan Name Newman's Survey Sub No 1 & 2			
Plat/Site Number N/A		Plat Book - Page (if recorded) 2-26	
Owner/Applicant/Petitioner Name District Board OF Trustees Broward Jr. College % FACILITIES MANAGEMENT			
Address 3501 S. Davie Road		City Davie	State FL
		Zip 33314	
Phone (954) 650-4485		Email sriles@broward.edu	
Agent for Owner/Applicant/Petitioner Greenspoon Marder LLP, Dennis D. Mele, Esq.		Contact Person Cynthia Pasch	
Address 200 East Broward Blvd., Suite 1800		City Fort Lauderdale	State FL
		Zip 33301	
Phone (954) 527-6266		Email cynthia.pasch@gmlaw.com	
Folio(s) 5041-37-01-1622			
Location West Side side of Davie Road at/between/and NW 37 Street and/of Access Road north side/corner north street name street name / side/corner street name			

Type of Application (this form required for all applications)

Please check all that apply (use attached Instructions for this form).

- ☐ Plat (fill out/PRINT *Questionnaire Form, Plat Checklist*)
- ☐ Site Plan (fill out/PRINT *Questionnaire Form, Site Plan Checklist*)
- ☐ Note Amendment (fill out/PRINT *Questionnaire Form, Note Amendment Checklist*)
- ☒ Vacation (fill out/PRINT *Vacation Continuation Form, Vacation Checklist, use Vacation Instructions*)
 - ☐ Vacating Plats, or any Portion Thereof (BCCO 5-205)
 - ☒ Abandoning Streets, Alleyways, Roads or Other Places Used for Travel (BCAC 27.29)
 - ☒ Releasing Public Easements and Private Platted Easements or Interests (BCAC 27.30)
- ☒ Vacation (Notary Continuation Form Affidavit required, fill out Business Notary if needed)

Application Status			
Has this project been previously submitted?	☐ Yes	☒ No	☐ Don't Know
This is a resubmittal of:	☐ Entire Project	☐ Portion of Project	☐ N/A
What was the project number assigned by the Urban Planning Division?	Project Number	☒ N/A	☐ Don't Know
Project Name		☒ N/A	☐ Don't Know
Are the boundaries of the project exactly the same as the previously submitted project?	☐ Yes	☐ No	☐ Don't Know
Has the flexibility been allocated or is flexibility proposed to be allocated under the County Land Use Plan?	☐ Yes	☐ No	☐ Don't Know
If yes, consult Policy 13.01.10 of the Land Use Plan. A compatibility determination may be required.			

Replat Status	
Is this plat a replat of a plat approved and/or recorded after March 20, 1979?	☐ Yes ☒ No ☐ Don't Know
If YES, please answer the following questions.	
Project Name of underlying approved and/or recorded plat	Project Number
Is the underlying plat all or partially residential?	☐ Yes ☐ No ☐ Don't Know
If YES, please answer the following questions.	
Number and type of units approved in the underlying plat.	
Number and type of units proposed to be deleted by this replat.	
Difference between the total number of units being deleted from the underlying plat and the number of units proposed in this replat.	

School Concurrency (Residential Plats, Replats and Site Plan Submissions)	
Does this application contain any residential units? (If "No," skip the remaining questions.)	☐ Yes ☒ No
If the application is a replat, is the type, number, or bedroom restriction of the residential units changing?	☐ Yes ☒ No
If the application is a replat, are there any new or additional residential units being added to the replat's note restriction?	☐ Yes ☒ No
Is this application subject to an approved Declaration of Restrictive Covenants or Tri-Party Agreement entered into with the Broward County School Board?	☐ Yes ☒ No
If the answer is "Yes" to any of the questions above RESIDENTIAL APPLICATIONS ONLY: Provide a receipt from the School Board documenting that a Public School Impact Application (PSIA) and fee have been accepted by the School Board for residential projects subject to school concurrency, exempt from school concurrency (exemptions include projects that generate less than one student, age restricted communities, and projects contained within Developments of Regional Impact), or subject to an approved Declaration of Restrictive Covenant or Tri-Party Agreement.	

Land Use and Zoning	
EXISTING	PROPOSED
Land Use Plan Designation(s) Regional Activity Center (Town of Davie) Activity Center (Broward County)	Land Use Plan Designation(s) Regional Activity Center Activity Center
Zoning District(s) RAC-ED	Zoning District(s) RAC-ED

Existing Land Use					
A credit against impact fees may be given for the site's current or previous use. No credit will be granted for any demolition occurring more than three (3) years of Environmental Review of construction plans. To receive a credit, complete the following table. Note: If buildings have been demolished, which are not shown on the survey required with this application, attach an additional "as built" survey dated within three (3) years of this application. Other evidence may be accepted if it clearly documents the use, gross square footage and/or number and type of dwelling units, and date of demolition.					
Are there any existing structures on the site?					☐ Yes ☒ No
Land Use	Gross Building sq. ft.* or Dwelling Units	Date Last Occupied	EXISTING STRUCTURE(S)		
			Remain the Same?	Change Use?	Has been or will be Demolished?
			YES NO	YES NO	HAS WILL NO
			YES NO	YES NO	HAS WILL NO
			YES NO	YES NO	HAS WILL NO
*Gross non-residential square footage includes permanent canopies and overhangs for gas stations, drive-thru facilities, and overhangs designed for outdoor tables at a restaurant. A building is defined by the definition in the Land Development Code.					

Proposed Use			
RESIDENTIAL USES		NON-RESIDENTIAL USES	
Land Use	Number of Units/Rooms	Land Use	Net Acreage or Gross Floor Area
Mid-rise	375	Commercial	6,000 sq. ft.

NOTARY PUBLIC: Owner/Agent Certification

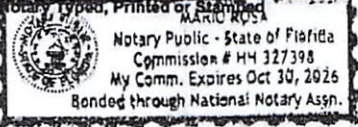
This is to certify that I am the owner/agent of the property described in this application and that all information supplied herein is true and correct to the best of my knowledge. By signing this application, owner/agent specifically agrees to allow access to described property at reasonable times by County personnel for the purpose of verification of information provided by owner/agent.

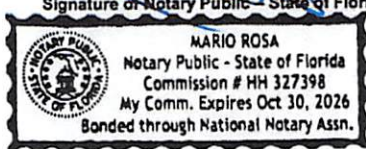
Owner/Agent Signature [Signature] Date 2/7/23

NOTARY PUBLIC

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence | ☐ online notarization, this 7th day of February, 2023, who ☒ is personally known to me | ☐ has produced _____ as identification.

Name of Notary Public, Printed or Stamped
Mario Rosa

Notary Seal (or Title or Rank)

Signature of Notary Public - State of Florida
[Signature]

Serial Number (if applicable)

For Office Use Only

Application Type <u>Vocation Application</u>		
Application Date <u>2/14/23</u>	Acceptance Date <u>2/15/23</u>	Fee <u>\$1200.00</u>
Comments Due <u>3/7/23</u>	Report Due <u>N/A</u>	CC Meeting Date <u>TBD</u>
Adjacent City or Cities <u>N/A</u>		
☒ Plats ☐ Surveys ☐ Site Plans ☐ Landscaping Plans ☐ Lighting Plans ☐ City Letter ☐ Agreements		
☐ Other:		
Distribute To ☐ Full Review ☐ Planning Council ☐ School Board ☐ Land Use & Permitting ☐ Health Department ☐ Zoning Code Services (BMSD only) ☐ Administrative Review		
☐ Other:		
Received By <u>Diego Analogue</u>		



Application Number _____

AFFIDAVIT TO AUTHORIZE PETITIONER'S AGENT

I/We, District Board of Trustees Broward Jr. College, the property owner(s) ("Affiant") of the property to be vacated in the subject of the Application, being duly sworn, depose(s) and say(s):

1. That I/we am/are the owner(s) and record title holder(s) of the lands that are to be vacated and abandoned.

My/our folio number(s) is/are as follows:

5041-37-01-1622

2. That I/we do hereby appoint the following Agent to act on my/our behalf in the processing of the subject of the Application to the Broward County Board of County Commissioners.

Name: Dennis D. Mele, Esq., Greenspoon Marder LLP

Address: 200 East Broward Blvd., Suite 1800

City, State, Zip: Fort Lauderdale, FL 33301

Telephone: (954) 527-6266

Contact Person: Cynthia A. Pasch, AICP

District Board of Trustees Broward Jr. College

Name of Owner/Petitioner

2/7/23
Date

[Signature]
Signature of Owner/Petitioner (requires notarization)

I, Dennis D. Mele, hereby accept the appointment as Agent to the above listed owner/petitioner.

Dennis D. Mele

Name of Agent

1/30/2023
Date

[Signature]
Signature of Agent

NOTARY PUBLIC

STATE OF FLORIDA COUNTY OF BROWARD

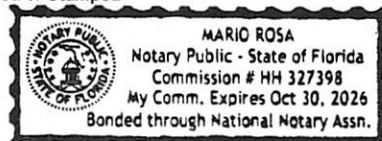
The foregoing instrument was acknowledged before me by the Affiant by means of

☒ physical presence | ☐ online notarization, this 7th day of February, 2023,
by John D. Duvick, of District Board of Trustees Broward Jr. College, on behalf of
District Board of Trustees Broward Jr. College.

He/she ☒ is personally known to me | ☐ has produced _____ as identification.

Mario Rosa
Name of Notary Typed, Printed or Stamped

[Signature]
Signature of Notary Public - State of Florida



Notary Seal (or Title or Rank)

Serial Number (if applicable)



Application Number _____

NOTARY PUBLIC: Business/Government Entity Certification

This is to certify that I am the authorized acting agent of the business/government entity that is the owner/agent of the property described in this application and that all information supplied herein is true and correct to the best of my knowledge. By signing this application, owner/agent specifically agrees to allow access to described property at reasonable times by County personnel for the purpose of verification of information provided by authorized acting agent of the business/government entity.

Dennis D. Mele 1/30/2023
Agent Signature for Business/Government Entity Date

NOTARY PUBLIC

**STATE OF FLORIDA
COUNTY OF BROWARD**

The foregoing instrument was acknowledged before me by means of ☒ physical presence | ☐ online notarization, this 30 day of January, 2023, by Dennis D. Mele, the Agent, on behalf of District Board of Trustees Broward Jr. College, a

☒ He/she is personally known to me | ☐ has produced _____ as identification.

KIM N. SANTIAGO
Name of Notary Typed, Printed or Stamped

Kim N. Santiago
Signature of Notary Public - State of Florida



KIM NICOLE SANTIAGO
Comm.: # HH 297419
Expires: February 23, 2024
Notary Public - State of Florida

Notary Seal (or Title or Rank)

Serial Number (if applicable)



Cynthia A. Pasch, AICP
PNC Building
200 East Broward Boulevard, Suite 1800
Fort Lauderdale, Florida 33301
Direct Phone: 954.527.6266
Direct Fax: 954.333.4266
Email: cynthia.pasch@gmlaw.com

January 17, 2023

Josie P. Sesodia, Director
Urban Planning Division
Broward County
1 N. University Drive, Suite #102A
Plantation, FL 33324

Re: Proposed Right-of-way Vacation Application – Newman’s Survey Sub No 1 and
No 2, Plat Book 2, Page 26

Dear Ms. Sesodia:

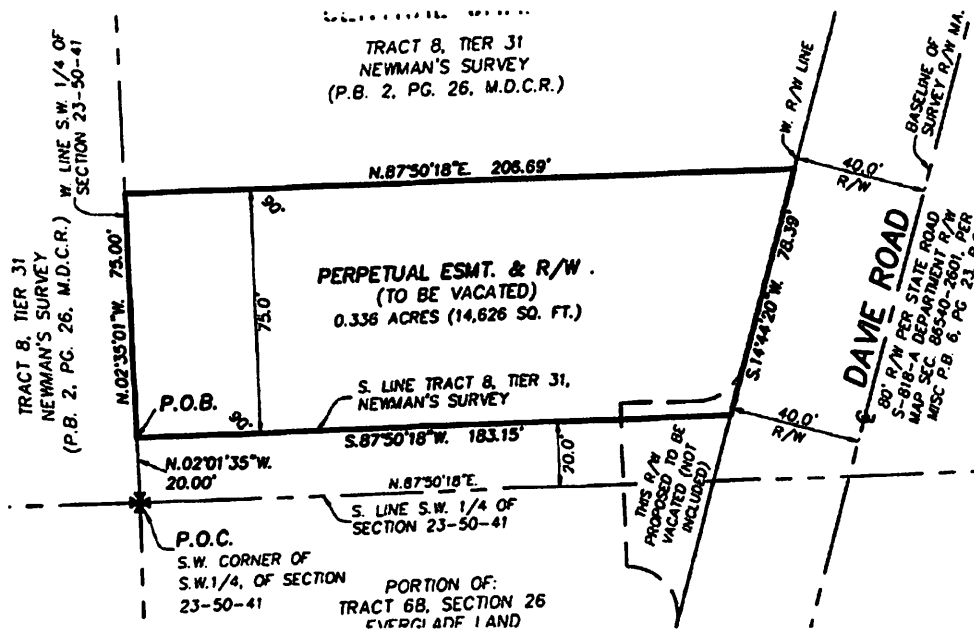
Our client, 13th Floor Adler Broward South, LLC, (“13th FL”), is proposing a residential and commercial development on approximately 21.2 acres located on the west side of Davie Road between SW 37 Street and the Broward College main entrance (the “Property”). The Property and the adjacent land is owned by the District Board of Trustees of Broward Junior College (“Broward College” and “Applicant”). East of the Property is a mix of retail uses and to the south is Broward School Board property.

13th FL has entered into a 99-year lease with the Applicant related to development of the Property. The proposed site plan involves a five (5) story apartment development with 375 units. The proposed site plan also includes commercial use located at the northeast corner of the Property. Access to the Property is from the Broward College main access drive on the north and a new access road on the south. Both of these access points are owned by the Applicant. Cross access from the main access road to the Property is provided in the 99 -year lease.

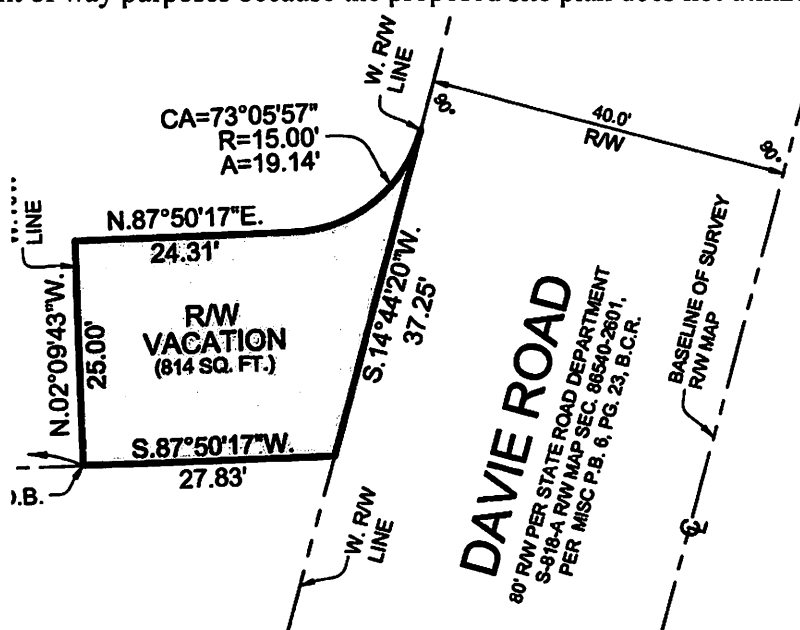
The proposed site plan includes easements and rights-of-way to be vacated. Those areas located in the Newman’s Survey Sub No 1 & No 2 are indicated below.

- 1. Perpetual Right-of-Way Easement – DB 383, PG 453-**This application includes a right of way easement dedicated on land that is currently owned by the Applicant. This area was never used for road purposes and is no longer needed.

Broward County Right-of-way Vacation Application
Page No. 2



2. **Right-of-Way Easement Vacation – ORB 4673, PG 953** – This application includes that portion of land dedicated and described in ORB 4673, Page 953. This right of way appears to be a driveway on the Broward College campus. This land is no longer needed for right of way purposes because the proposed site plan does not utilize this driveway.



Broward County Right-of-way Vacation Application
Page No. 3

Please let us know if you need any other information to review and process this application.

Sincerely,

GREENSPOON MARDER LLP

Cynthia A. Pasch

Cynthia A. Pasch, AICP