



Resilient Environment Department
URBAN 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: 06/20/2022

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

From: Planning and Development Management Division

Subject: Vacation Petition No.: 2022-V-05

Petitioner(s): FR Lyons Road, LLC and First Industrial Realty TR

Agent for Petitioner(s): 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: 06/14/2022
- ☒ File Fee (made payable to **Broward County Board of County Commissioners** and deposited)
- ☒ Petitioner Notice of Intent Dates Published: 06/26/2022 and 07/03/2022
- ☒ Certificate of Real Estate Taxes Paid [Revenue Collection Division] Date: 12/07/2021
- ☒ Property Location ☒ Municipality of City of Coconut Creek. ☐ Municipal Service District
- ☒ Certified Copy of Municipal Resolution No: R-2022-004 Date(s): 08/08/2019
- ☒ Sketch and Legal Description by: David P. Lindle, Surveyor No 5005
- ☒ 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: Frank E. Whitaker Date: 05/30/2022
- ☐ 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: Deanna Kalil

Digitally signed by Deanna Kalil
Date: 2022.12.12 12:03:52 -05'00'

Print Name: Deanna Kalil

Date: 12/12/2022



Environmental Protection and Growth Management Department

PLANNING AND DEVELOPMENT MANAGEMENT DIVISION

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

Application Number: 049-MP-97

Development and Environmental Review Online Application

Project Information			
Owner/Applicant/Petitioner Name FR LYONS ROAD, LLC, a Delaware limited liability company c/o First Industrial Realty Trust, Inc.			
Address 1 N. Wacker Drive, Suite 4200		City Chicago	State IL
Zip 60606			
Phone (312) 344-4357	Email mpierski@firstindustrial.com		
Agent for Owner/Applicant/Petitioner Greenspoon Marder LLP		Contact Person Frank Whitaker, Esq.	
Address 600 Brickell Ave, Suite 3600		City Miami	State FL
Zip 33139			
Phone 305-789-2797	Email frank.whitaker@gmlaw.com		
Plat/Site Plan Name Springs-Mckenzie Plat			
Plat/Site Number 049-MP-97		Plat Book - Page (if recorded) Plat Book 165 - Page 7	
Folio(s) 4842 0628 0021			
Location West side of Lyons Road at/between/and North of and/of Sawgrass Boulevard 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
This is a resubmittal of:		☐ Entire Project	☐ Portion of Project
What was the project number assigned by the Planning and Development Division?		☒ N/A	☐ Don't Know
Project Name		First Sawgrass Commerce Center	
		☐ 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
SPRINGS-MCKENZIE PLAT 145/7	
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) Industrial	Land Use Plan Designation(s) Industrial
Zoning District(s) IO-1	Zoning District(s) IO-1

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 eighteen (18) months and/or sixty (60) months for mobile homes 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 <u>within</u> eighteen (18) months 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 STUCTURE(S)		
			Remain the Same?	Change Use?	Has been or will be Demolished?
Office / Industrial	103,790 sq./ft.		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 id 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
n/a	n/a	Office/Industrial	103,790 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

Date

NOTARY PUBLIC

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence | ☐ online notarization, this 20th day of April, 2022, who ☒ is personally known to me | ☐ has produced _____ as identification.

Name of Notary Typed, Printed or Stamped



Notary Seal (or Title or Rank)

Signature of Notary Public - State of Florida

Michelle L. SCAVONE

Serial Number (if applicable)

For Office Use Only

Application Type

Vacation Application

Application Date

4/20/2022

Acceptance Date

6/14/2022

Fee

\$ 1200.00

Comments Due

TBD

Report Due

TBD

CC Meeting Date

TBD

Adjacent City or Cities

N/A

☒ Plats

☒ Surveys

☐ Site Plans

☐ Landscaping Plans

☐ Lighting Plans

☐ City Letter

☐ Agreements

☒ Other:

Dispute To

☒ Full Review

☐ Planning Council

☐ School Board

☐ Land Use & Permitting

☐ Health Department

☐ Zoning Code Services (BMSD only)

☐ Administrative Review

☐ Other:

Received By

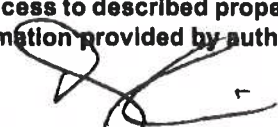
Drago Penaloza.



Application Number 049-MP-97

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.


Agent Signature for Business/Government Entity

4-20-22
Date

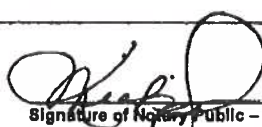
NOTARY PUBLIC

**STATE OF FLORIDA
COUNTY OF BROWARD**

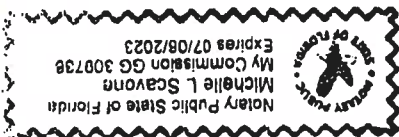
The foregoing instrument was acknowledged before me by means of ☒ physical presence | ☐ online notarization, this 20th day of April, 20 22, by Frank Whitaker Chris Wilson, the Attorney SE Reg Dir, on behalf of FR Lyons Road LLC, a

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

Name of Notary Typed, Printed or Stamped


Signature of Notary Public - State of Florida

MICHELLE L. SCAVONE



Notary Seal (or Title or Rank)

Serial Number (If applicable)



Application Number 049-MP-79

AFFIDAVIT TO AUTHORIZE PETITIONER'S AGENT

I/We, FR Lyons Road, LLC a Delaware LLC c/o First Industrial Trust, Inc., 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:

4842-06-28-0021

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: Greenspoon Marder LLP
Address: 600 Brickell Avenue, Suite 3600
City, State, Zip: Miami, FL 33131
Telephone: 305-78 92 79 7
Contact Person: frank.whitaker@gmlaw.com

FR Lyons Road, LLC a Delaware LLC c/o First Industrial Trust, Inc.

Name of Owner/Petitioner

Date

April 20, 2022

Signature of Owner/Petitioner (requires notarization)

I, Frank Whitaker, Esq., hereby accept the appointment as Agent to the above listed owner/petitioner.

Frank Whitaker, Esq.

Name of Agent

Date

4-20-2022

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 20 day of April, 2022

by Frank Whitaker of Greenspoon Marder on behalf of FR LYONS ROAD LLC

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

Name of Notary Typed, Printed or Stamped

Signature of Notary Public - State of Florida



Michelle L. Scavone

Notary Seal (or Title or Rank)

Serial Number (if applicable)



Vacation Narrative

The Applicant, FR Lyons Road, LLC, c/o First Industrial Realty Trust, Inc. (“**Applicant**”) is the owner of the land located along Lyons Road just north of Sawgrass Boulevard in the City of Coconut Creek at **Folio ID: 4842 0628 0021** (the “**Property**”) and seeks to vacate two 10’ platted utility easements running along both the western and southern borders of the southernmost portion of Parcel “A” of the Springs – McKenzie Plat, recorded at Plat Book 165, Page 7 (the “**Plat**”).

The Plat dedicated, in relevant part, a 10’ wide utility easement along the entirety of the western and southern borders of the southernmost portion of Parcel “A” of the Plat. The western border of the Plat faces a residential neighborhood and has no road access, which makes it impractical and difficult to access. The southern border of the Plat is separated from the lot to its south by grass and shrubs. The Property is currently served by the platted utility easement running along the eastern border of the Plat, which runs parallel to North Lyons Road, which is easily serviced by access from North Lyons Road.

From the standpoint of the benefit of the community as a whole, the request to vacate the platted easements does not have any negative impacts because the Plat is already fully serviced by the platted easement running along the eastern boundary of the Plat parallel to North Lyons Road.