

Application Number 013-MP-10

**URBAN PLANNING DIVISION** 

1 N. University Drive, Box 102A · Plantation, FL 33324 · T: 954-357-6634 · F: 954-357-6521 · Broward.org/Planning

# **Application to Change or Waive Requirements** of the Broward County Land Development Code

#### INSTRUCTIONS

This form is used to apply for changes or waivers to requirements of development permit applications processed under the Broward County Land Development Code. These include changes or waivers to the following:

#### ROADWAY RELATED

- Non-Vehicular Access Lines
- 2. Roadway Improvements (such as turn lanes, bus bays traffic signals, etc.)
- 3. Right-of-Way Dedications
- 4. Sidewalks and Paved Access
- 5. Design Criteria

### NON-ROADWAY RELATED

- 6. Design Criteria
- 7. Waste Water Disposal/Source of Potable Water
- 8. Fire Protection
- 9. Parks and/or School Dedications
- 10. Impact/Concurrency Fee(s)
- 11. Environmental Impact Report
- 12. Other Changes

For your application to be officially accepted for processing and scheduled for a County Commission meeting, you must complete this application in full. The owner/agent certification (on the reverse side of this form) must be signed and notarized with the appropriate documentation attached. Please type this application or print legibly in black ink.

Project Information Plat/Site Plan Name				
BF POMPANO PLAT				
Plat/Site Number		Plat Book - Page (if recorded)		
013-MP-10		Plat Book 180, Pages 1-2		
Owner/Applicant/Petitioner Name				
1380 OCEAN ASSOCIATES LLC				
Address		City	State	Zip
1300 Brickell Avenue		Miami	FL	33131
Phone	Email			
Agent: 954-648-9376	Agent: steph	nanie@toothaker.org		
Agent for Owner/Applicant/Petitioner		Contact Person		
Stephanie J. Toothaker, Esq. / Tooth	naker.org	Estefania Mayorga / Toot	haker.org	
Address		City	State	Zip
501 SW 2nd Avenue, Suite 1		Fort Lauderdale	FL	33301
Phone	Email		•	•
954.648.9376 stephanie@		toothaker.org / cc: estefan	ia@tooth	aker.org
Folio(s)				
494306580020, 494306580010				
Location				
Both East and West side of SR A1A	Nort	h of Terra Mar Drive		
north side/corner north street name	/between/and	street name / side/corner	street	name
north side/corner north street name		ad out themself and outside	323017	

<b>Proposed Change</b>
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Use this space below to provide the following information and clearly describe the proposed changes you are requesting. If you are requesting changes to a specific staff recommendation(s) listed in a Development Review Report, please specify the staff recommendation number(s). If you are requesting a waiver or variation of a provision of the Land Development Code, please cite the specific section(s)

provision of the Land Development Code, please cite the specific section(s).		
Staff Recommendation No(s).		
Lord B.		
Land Development Code citation(s)		
Have you contacted anyone in County Government regarding this request?	⊠ Yes	□ No

If yes, indicate name(s), department and date

Karina Da Luz, Planning & Development Management Division, and DG McGuire, Highway Construction and Engineering Division

Narrative explaining proposed changes in detail including the desired result and justification for the request (attach additional sheet if necessary):
The Applicant is requesting a non-vehicular access line amendment from Exhibit B to Exhibit C, as detailed in the attached narrative and summarized below:

- 1. The existing 50-foot opening located on the east side of State Road A1A located approximately 44 feet south of the north plat limits is being reduced to a 25.48-foot opening located 11.09 feet south of the north plat limits.
- 2. The existing 50-foot opening located on the east side of State Road A1A located approximately 10 feet north of the south plat limits is being reduced to a 31.75-foot opening located 19.85 feet north of the south plat limits.
- 3. The existing 50-foot opening located on the west side of State Road A1A located approximately 19 feet south of the north plat limits is being reduced to a 25.70-foot opening located 39.50 feet south of the north plat limits.
- 4. The existing 50-foot opening located on the west side of State Road A1A located approximately 3 feet north of the south plat limits is being reduced to a 25.93-foot opening located 12.37 feet north of the south plat limits.

### REQUIRED DOCUMENTATION

Submit one (1) original and copy of each document listed below.

- 1. Narrative clearly describing proposed changes. Be sure to include detailed information of opening location, size, etc.
- 2. Letter from the applicable municipality, dated within six (6) months of this application, stating the city's position on this request.
- 3. Agreement and Title Opinion for staff review (contact staff for more information).
- 4. A valid pre-application approval letter from the Florida Department of Transportation, if applicable.
- 5. Approved or recorded plat. (A survey and site plan may be accepted for single family and duplex applications. Please consult with Urban Planning Division staff.)
- 6. A check for the application fees (if applicable) made payable to: **Broward County Board of County Commissioners**. Please consult the Development Permit Application Fee Schedule.

For ROADWAY RELATED items (1 through 5) listed under INSTRUCTIONS on Page 1 of this form, the following additional documents are also required:

- 1. The proposed site plan (2 original) which shows, at a minimum, the on-site traffic circulation system, adjacent roadway details, and the location of all existing and proposed driveway(s). The site plan must provide relevant dimensions and must be drawn to scale.
- 2. Signed and sealed drawings (2 original) clearly illustrating the proposed change(s). The drawings must provide relevant dimensions and must be drawn to scale.
- 3. A valid Pre-Application approval letter from the Florida Department of Transportation is required for all roadway and/or access related applications which abut a Trafficway that is functionally classified as a State Road. This requirement includes the creation or amendment of vehicular access and/or any improvements requiring permits from the State.

For NON-ROADWAY RELATED items (6 through 12) listed under INSTRUCTIONS on Page 1 of this form, please consult with Urban Planning Division staff to determine any additional required documentation.

All documents listed must also be submitted electronically as a separate pdf on a CD, flash drive, etc.

NOTARY PUBLIC:Owi	ner/Agent Certifica	llion		
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.				
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/ approx	) and his	9/1/2023	3	
Owner/Agent Signature		Date		
NOTARY PUBLIC				
STATE OF ELODIDA				
STATE OF FLORIDA COUNTY OF BROWAI	RD			
The foregoing instrument wa	as acknowledged before	e me by means of 🛛 ph	ysical presence   ☐ online notarization,	
this 1stday of Septe	ember, 2	0 <u>23</u> , who <b>⊠</b> ispers	onally known to me	
	_ as identification.			
			) . e	
Roya Edwards		100	cenfo	
Name of Notary Typed, Printed or Sta	imped	Signature of Notar	y Public - State of Florida	
ROYA EDWARDS Notary Public-State of Florida Commission # HH 301406 My Commission Expires August 16, 2026				
Notary Seal (or Title or Rank)		Serial Number (if a	applicable)	
		Serial Number (if a	pplicable)	
Notary Seal (or Title or Rank)  For Office Use Only		Serial Number (if a	pplicable)	
		Serial Number (If a	applicable)	
For Office Use Only Application Type/Title of Request NVAL Applica				
For Office Use Only Application Type/Title of Request  NVAL Applica Application Date	Acceptance Date		Fee	
For Office Use Only Application Type/Title of Request  NVAL Applica Application Date  09/05/2023	Acceptance Date 09/12/202		Fee \$ 2,410.00	
For Office Use Only Application Type/Title of Request  NVAL Applica  Application Date  09/05/2023  Comments Due	Acceptance Date 09/12/202. Report Due	3	Fee \$ 2,410.00 CC Meeting Date	
For Office Use Only Application Type/Title of Request  NVAL Application Date  09/05/2023  Comments Due  10/02/2023	Acceptance Date 09/12/202	3	Fee \$ 2,410.00	
For Office Use Only Application Type/Title of Request  NVAL Application Date  09/05/2023  Comments Due  10/02/2023  Adjacent City or Cities	Acceptance Date 09/12/202. Report Due	3	Fee \$ 2,410.00 CC Meeting Date	
For Office Use Only Application Type/Title of Request  NVAL Application Date  09/05/2023  Comments Due  10/02/2023	Acceptance Date 09/12/202. Report Due	3	Fee \$ 2,410.00 CC Meeting Date	
For Office Use Only Application Type/Title of Request  NVAL Application Date  09/05/2023  Comments Due  10/02/2023  Adjacent City or Cities  Lauderdale by The Sea	Acceptance Date 09/12/202 Report Due 10/12/2023	3 City Letter	Fee \$ 2,410.00 CC Meeting Date TBD	
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For Office Use Only Application Type/Title of Request  NVAL Application Date  09/05/2023  Comments Due  10/02/2023  Adjacent City or Cities  Lauderdale by The Sea  Plats  Other: Narrative, Sketce  Distribute To  Engineering	Acceptance Date  09/12/202  Report Due  10/12/2023  Site Plans  h & Legal description	3 City Letter	Fee \$ 2,410.00 CC Meeting Date TBD	
For Office Use Only Application Type/Title of Request  NVAL Application Date  09/05/2023  Comments Due  10/02/2023  Adjacent City or Cities  Lauderdale by The Sea  Plats  Other: Narrative, Sketc  Distribute To  Engineering  Other:	Acceptance Date  09/12/202  Report Due  10/12/2023  Site Plans  h & Legal description	3 City Letter	Fee \$ 2,410.00 CC Meeting Date TBD	

September 1, 2023 Updated November 8, 2023

### VIA ELECTRONIC SUBMISSION

Josie Sesodia, Director Urban Planning Division Resilient Environment Department 1 N. University Drive, #102A Plantation, FL 33324

RE: BF POMPANO PLAT – Plat Book 180, Page 1 Non-Vehicular Access Line Amendment Narrative County Plat. No. 013-MP-10

Dear Ms. Sesodia:

On behalf of 1380 OCEAN ASSOCIATES, LLC ("Applicant"), owner of the real property located at 1380 and 1381 South Ocean Boulevard, Pompano Beach, FL 33062, Folio Nos. 494306580010 and 494306580020, as more specifically identified in **Exhibit A-1** as "Parcel A" and "Parcel B" of the BF POMPANO PLAT recorded in Plat Book 180, Page 1, of the Public Records of Broward County, Florida ("Plat"), **Exhibit A-2**, we are requesting an amendment of the current recorded non-vehicular access lines ("NVALs").

On December 4, 2018, the Broward County Commission approved the Applicant's request for an amendment to the NVALs on the Plat, as recorded in Instrument #11718047 of the Public Records of Broward County, which was consistent with the approved site plan at the time.

The City of Pompano Beach subsequently approved minor revisions to the approved site plan, including revisions to the driveway locations and geometry of the internal drop off for both Parcel A and Parcel B, at the request of the Applicant.

Applicant is now seeking to amend the current NVALs depicted in **Exhibit B** to the proposed NVALs depicted in **Exhibit C**, as summarized below, to be consistent with the current approved site plan depicted in **Exhibit D**:

- a. Along the east ultimate right-of-way line for A1A:
  - i. A 30-foot opening with the centerline located 24 feet south of the north plat limits.
  - ii. A 40-foot opening with the centerline located 36 feet north of the south plat limits.
- b. Along the west ultimate right-of-way line for A1A:
  - i. A 30-foot opening with a centerline located 52 feet south of the north plat limits.
  - ii. A 30-foot opening with a centerline located approximately 25 feet north of the south plat limits.

BF POMPANO PLAT – NVAL Amendment Narrative Page  ${\bf 2}$  of  ${\bf 2}$ 

The City of Pompano Beach issued a Letter of No Objection dated August 10, 2023 for the NVAL changes as provided in **Exhibit E**. The Florida Department of Transportation ("FDOT") issued a Pre-Application Approval letter dated July 31, 2023, as provided in **Exhibit F**, accepting the changes to the openings.

Thank you for your consideration.

Respectfully,

Stephanie J. Toothaker, Esq.

/s/ Stephanie J. Toothaker

### **EXHIBIT "B"**

### LEGAL DESCRIPTION:

A Non-Vehicular Line along the East right of way line of South Ocean Boulevard (State Road A-1-A) lying on the West line of Parcel "A", BF POMPANO PLAT, according to the Plat thereof, as recorded in Plat Book 180 at Page 1 of the Public Records of Broward County, Florida, being more particularly described as follows:

Begin at the Northwest corner of said Parcel "A"; thence S  $10^{\circ}32^{\circ}45$ " W along said East right of way line of South Ocean Boulevard (State Road A-1-A), also being the West line of said Parcel "A" for 44.43 feet to a point hereinafter referred to as Point "A", also being the Point of Termination.

AND

Commence at aforesaid Point "A", the following two (2) courses being along said East right of way line of South Ocean Boulevard (State Road A-1-A), also being said West line of Parcel "A"; 1) thence S  $10^{\circ}32'45$ " W for 50.00 feet to the Point of Beginning; 2) thence continue S  $10^{\circ}32'45$ " W for 101.11 feet to a point hereinafter referred to as Point "B", also being the Point of Termination.

and

Commence at aforesaid Point "B", the following two (2) courses being along said East right of way line of South Ocean Boulevard (State Road A-1-A), also being said West line of Parcel "A"; 1) thence S  $10^{\circ}32'45$ " W for 50.00 feet to the Point of Beginning; 2) thence continue S  $10^{\circ}32'45$ " W for 9.71 feet to the Southwest corner of said Parcel "A", also being the Point of Termination.

### SURVEYOR'S NOTES:

- This site lies in Section 6, Township 49 South, Range 43 East, City of Pompano Beach, Broward County, Florida.
- All documents are recorded in the Public Records of Broward County, Florida unless otherwise noted.
- Bearings hereon are referred to an assumed value of S  $10^{\circ}32'45"$  W for the centerline of South Ocean Boulevard (State Road A-1-A).
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch #2020-009.

### SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on July 10, 2023, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original raised seal or a digital signature of the Florida Licensed Surveyor and Mapper shown below"

FORTIN, LEAVY, SKILES, INC., LB3653

SURVEYOR

Digitally signed by Daniel C Fortin DN: c=US, o=Florida, dnQualifier=A01410D000001867E 531E56000A6E7A, cn=Daniel C Fortin

By: Daniel C. Fortin, Jr., For The Firm Surveyor and Mapper, LS6435

State of Florida.

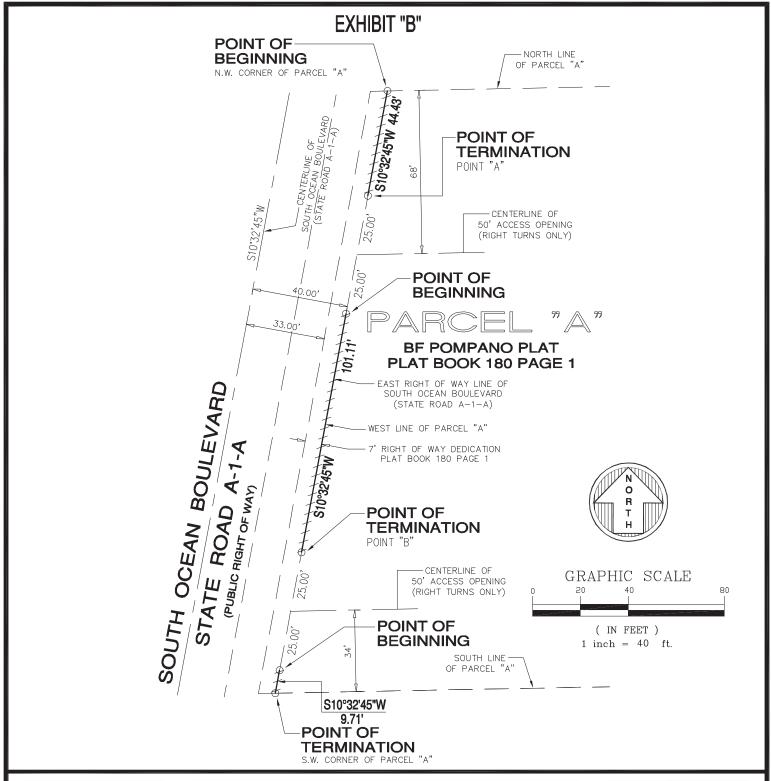
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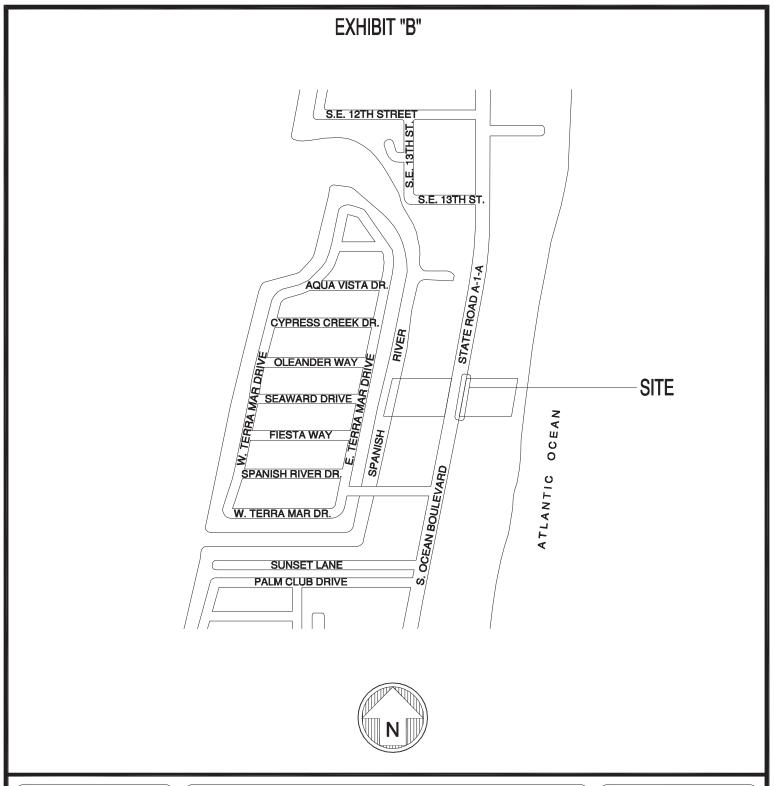
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# SKETCH OF DESCRIPTION

# FORTIN, LEAVY, SKILES, INC. CONSULTING ENGINEERS, SURVEYORS & MAPPERS

FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653 180 Northeast 168th. Street / North Miami Beach, Florida. 33162 Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

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#### LEGAL DESCRIPTION:

### **EXHIBIT "B"**

A Non-Vehicular Line along the West right of way line of South Ocean Boulevard (State Road A-1-A) lying on the East line of Parcel "B", BF POMPANO PLAT, according to the Plat thereof, as recorded in Plat Book 180 at Page 1 of the Public Records of Broward County, Florida, being more particularly described as follows:

Begin at the Northeast corner of said Parcel "B"; thence S  $10^{\circ}32'45$ " W along said West right of way line of South Ocean Boulevard (State Road A-1-A), also being said East line of Parcel "B" for 18.90 feet to a point hereinafter referred to as Point "A", also being the Point of Termination.

#### AND

Commence at aforesaid Point "A", the following two (2) courses being along said West right of way line of South Ocean Boulevard (State Road A-1-A), also being said East line of Parcel "B"; 1) thence S  $10^{\circ}32'45$ " W for 50.00 feet to the Point of Beginning; 2) thence continue S  $10^{\circ}32'45$ " W for 133.78 feet to a point hereinafter referred to as Point "B", also being the Point of Termination.

#### AND

Commence at aforesaid Point "B", the following two (2) courses being along said West right of way line of South Ocean Boulevard (State Road A-1-A), also being said East line of Parcel "B"; 1) thence S  $10^{\circ}32'45$ " W for 50.00 feet to the Point of Beginning; 2) thence continue S  $10^{\circ}32'45$ " W for 2.57 feet to the Southeast corner of said Parcel "B", also being the Point of Termination.

### SURVEYOR'S NOTES:

- This site lies in Section 6, Township 49 South, Range 43 East, City of Pompano Beach, Broward County,
- All documents are recorded in the Public Records of Broward County, Florida unless otherwise noted.
- Bearings hereon are referred to an assumed value of S  $10^{\circ}32'45"$  W for the centerline of South Ocean Boulevard (State Road A-1-A).
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch #2020-009.

### SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on July 10, 2023, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original raised seal or a digital signature of the Florida Licensed Surveyor and Mapper shown below"

FORTIN, LEAVY, SKILES, INC., LB3653

D d

Digitally signed by Daniel C Fortin DN: c=US, o=Florida,

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Daniel C. Fortin, Jr., For The Firm Surveyor and Mapper, LS6435

State of Florida.

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 220484

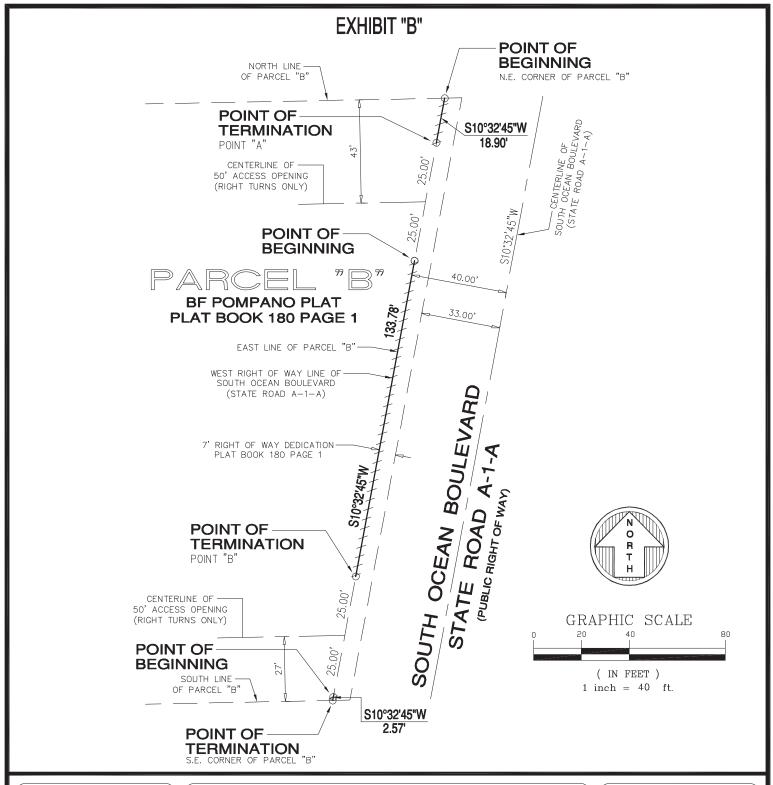
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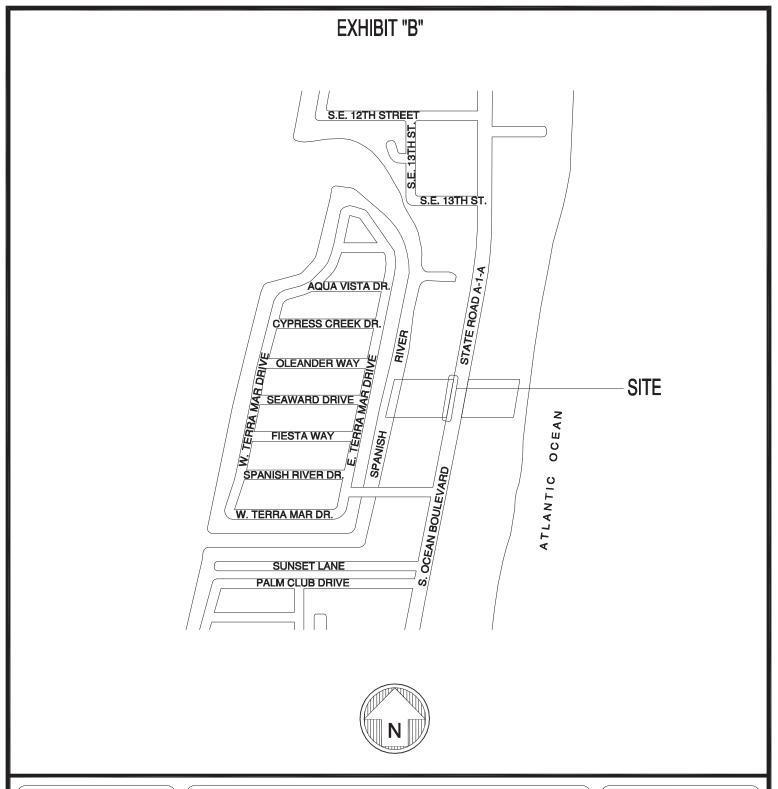
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# SKETCH OF DESCRIPTION

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FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653 180 Northeast 168th. Street / North Miami Beach, Florida. 33162 Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

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### **EXHIBIT "C"**

### **LEGAL DESCRIPTION:**

A Non-Vehicular Line along the East right of way line of South Ocean Boulevard (State Road A-1-A) lying on the West line of Parcel "A", BF POMPANO PLAT, according to the Plat thereof, as recorded in Plat Book 180 at Page 1 of the Public Records of Broward County, Florida, being more particularly described as follows:

Begin at the Northwest corner of said Parcel "A"; thence S  $10^{\circ}32'45$ " W along said East right of way line of South Ocean Boulevard (State Road A-1-A), also being the West line of said Parcel "A" for 9.50 feet to a point hereinafter referred to as Point "A", also being the Point of Termination.

AND

Commence at aforesaid Point "A", the following two (2) courses being along said East right of way line of South Ocean Boulevard (State Road A—1—A), also being said West line of Parcel "A"; 1) thence S 10°32'45" W for 30.00 feet to the Point of Beginning; 2) thence continue S 10°32'45" W for 159.00 feet to a point hereinafter referred to as Point "B", also being the Point of Termination.

AND

Commence at aforesaid Point "B", the following two (2) courses being along said East right of way line of South Ocean Boulevard (State Road A-1-A), also being said West line of Parcel "A"; 1) thence S  $10^{\circ}32'45$ " W for 40.00 feet to the Point of Beginning; 2) thence continue S  $10^{\circ}32'45$ " W for 16.76 feet to the Southwest corner of said Parcel "A", also being the Point of Termination.

### SURVEYOR'S NOTES:

- This site lies in Section 6, Township 49 South, Range 43 East, City of Pompano Beach, Broward County, Florida.
- All documents are recorded in the Public Records of Broward County, Florida unless otherwise noted.
- Bearings hereon are referred to an assumed value of S  $10^{\circ}32'45"$  W for the centerline of South Ocean Boulevard (State Road A-1-A).
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch #2020-009.

### SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on November 7, 2023, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original raised seal or a digital signature of the Florida Licensed Surveyor and Mapper shown below"

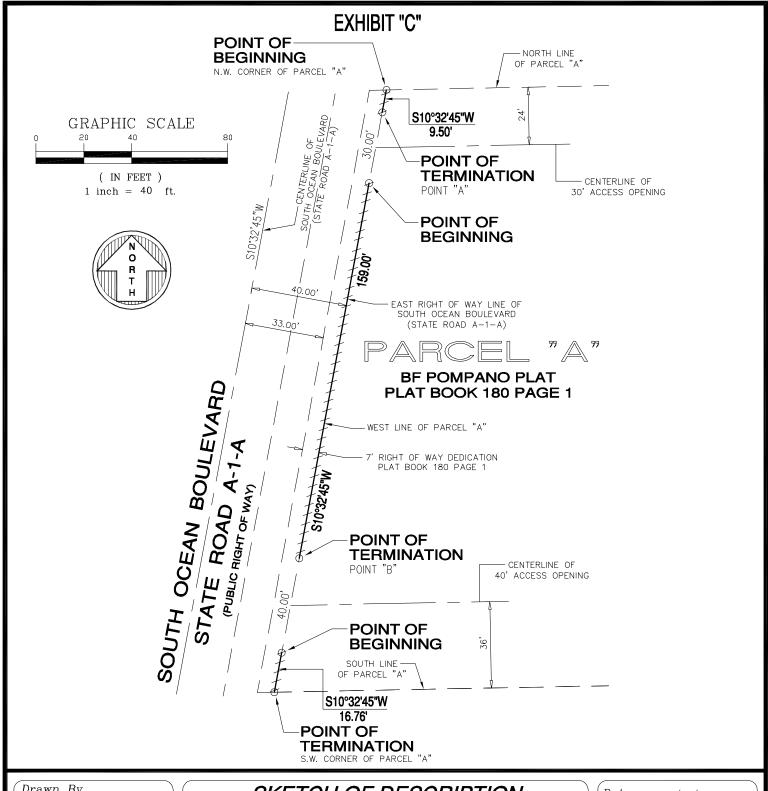
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LEGAL DESCRIPTION, NOTES & CERTIFICATION

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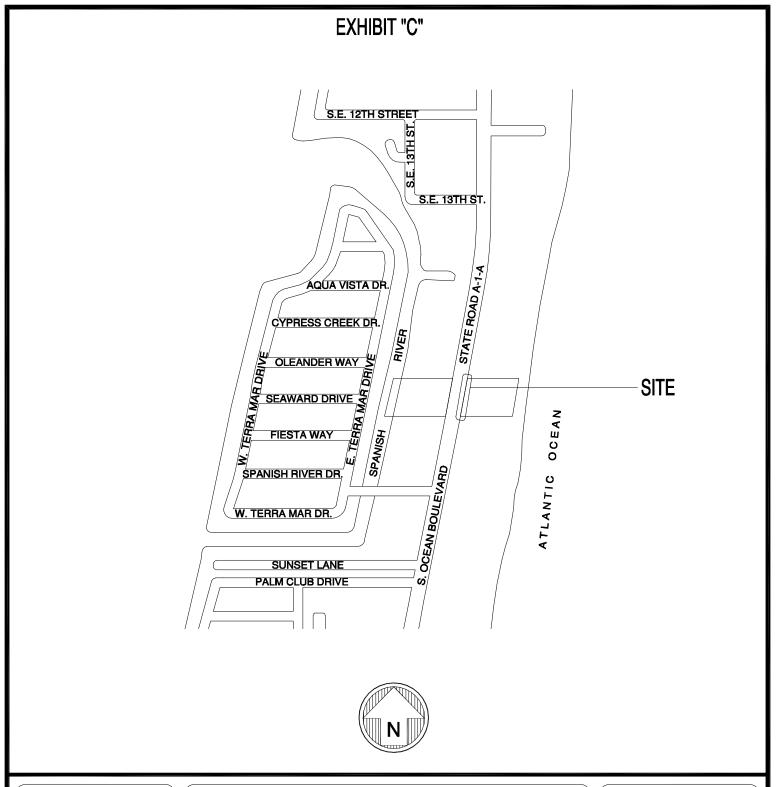
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# SKETCH OF DESCRIPTION

# FORTIN, LEAVY, SKILES, INC. CONSULTING ENGINEERS, SURVEYORS & MAPPERS

FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653 180 Northeast 168th. Street / North Miami Beach, Florida. 33162 Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

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Sheet 3 of 3	

#### LEGAL DESCRIPTION:

### **EXHIBIT "C"**

A Non-Vehicular Line along the West right of way line of South Ocean Boulevard (State Road A—1—A) lying on the East line of Parcel "B", BF POMPANO PLAT, according to the Plat thereof, as recorded in Plat Book 180 at Page 1 of the Public Records of Broward County, Florida, being more particularly described as follows:

Begin at the Northeast corner of said Parcel "B"; thence S  $10^{\circ}32'45$ " W along said West right of way line of South Ocean Boulevard (State Road A-1-A), also being said East line of Parcel "B" for 38.09 feet to a point hereinafter referred to as Point "A", also being the Point of Termination.

AND

Commence at aforesaid Point "A", the following two (2) courses being along said West right of way line of South Ocean Boulevard (State Road A-1-A), also being said East line of Parcel "B"; 1) thence S  $10^{\circ}32'45$ " W for 30.00 feet to the Point of Beginning; 2) thence continue S  $10^{\circ}32'45$ " W for 146.64 feet to a point hereinafter referred to as Point "B", also being the Point of Termination.

AND

Commence at aforesaid Point "B", the following two (2) courses being along said West right of way line of South Ocean Boulevard (State Road A-1-A), also being said East line of Parcel "B"; 1) thence S  $10^{\circ}32'45$ " W for 30.00 feet to the Point of Beginning; 2) thence continue S  $10^{\circ}32'45$ " W for 10.53 feet to the Southeast corner of said Parcel "B", also being the Point of Termination.

### SURVEYOR'S NOTES:

- This site lies in Section 6, Township 49 South, Range 43 East, City of Pompano Beach, Broward County,
- All documents are recorded in the Public Records of Broward County, Florida unless otherwise noted.
- Bearings hereon are referred to an assumed value of S 10°32'45" W for the centerline of South Ocean Boulevard (State Road A-1-A).
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch #2020-009.

### SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on November 7, 2023, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original raised seal or a digital signature of the Florida Licensed Surveyor and Mapper shown below"

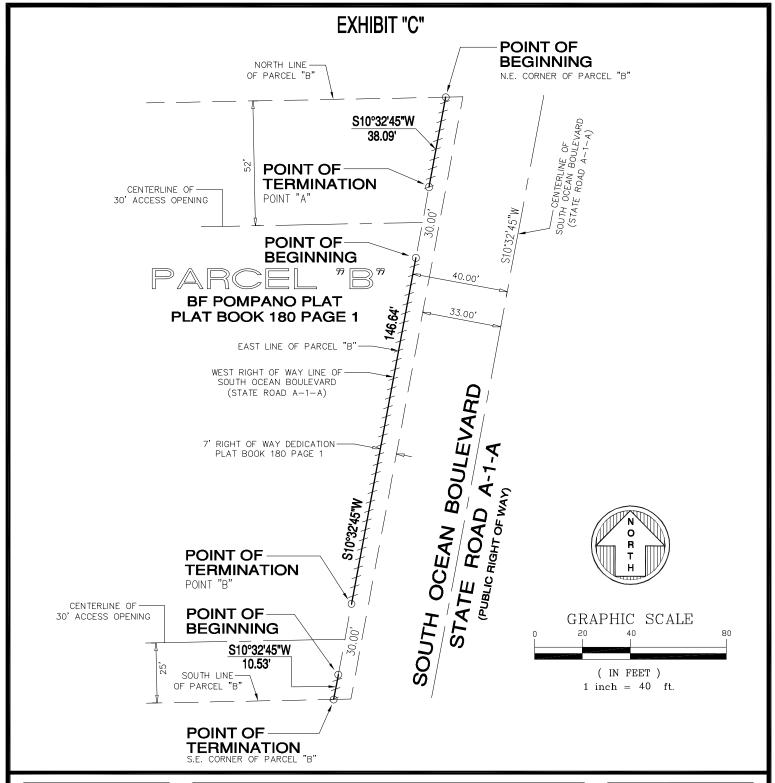
FORTIN, LEAVY, SKILES, INC., LB3653

Drawn By	MAP
Cad. No.	220484
Ref. Dwg.	2020-009

Plotted: 11/7/23 9:38a

LEGAL DESCRIPTION, NOTES & CERTIFICATION

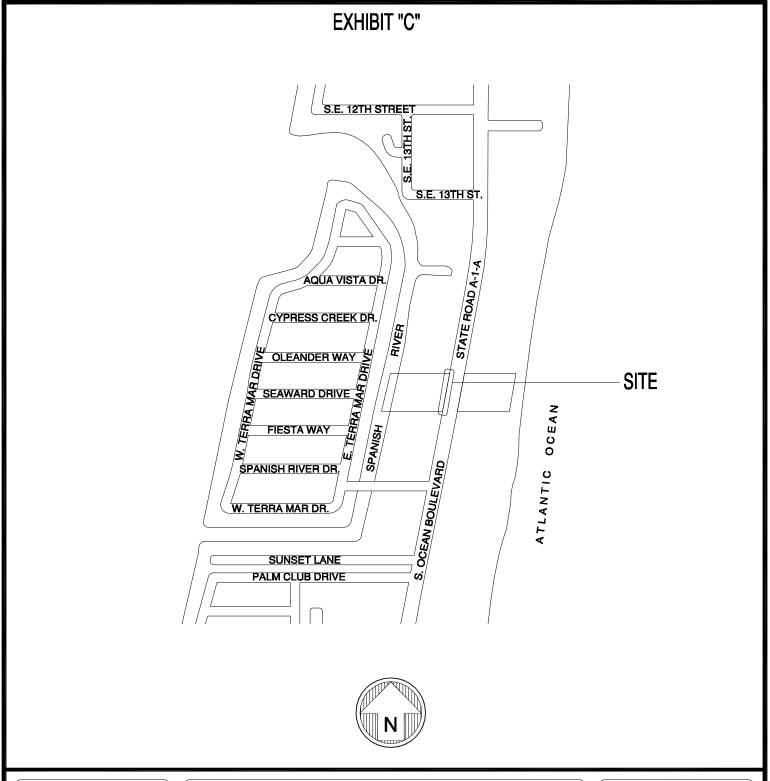
Date 11/7/23
Scale NOT TO SCALE
Job. No. 230853
Dwg. No.1023-035-2W
Sheet 1 of 3



Drawn By	MAP
Cad. No.	220484
Ref. Dwg.	2020-009
Plotted: 11,	/7/23 9:38a

# SKETCH OF DESCRIPTION

Date 11/7/23
Scale 1"=40'
Job. No. 230853
Dwg. No.1023-035-2W
Sheet 2 of 3



Drawn By	MAP
Cad. No.	220484
Ref. Dwg.	2020-009
Plotted: 11/	′7/23 9:38a

# LOCATION SKETCH

Date	11/7,	/23	
Scale N(	OT TO	SCALE	
Job. No.	2308	353	
Dwg. No	-1023-	-035-	2W
Sheet	3 of	3	