

City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	February 20, 2019		Item Type: <i>(Enter X in box)</i>	Resolution X	Ordinance	Other
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1st Reading		2nd Reading
		X	Public Hearing: <i>(Enter X in box)</i>	Yes		No
				X		
Funding Source:	N/A		Advertising Requirement: <i>(Enter X in box)</i>	Yes		No
Account Balance:	N/A		Quasi-Judicial: <i>(Enter X in box)</i>	X		
				Yes		No
						X
Project Number:	#RV-18-03836 Easement Vacation Diplomat Golf Course (Tower 100)		RFP/RFQ/Bid Number:	N/A		
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	<input type="checkbox"/> Safety <input checked="" type="checkbox"/> Quality <input type="checkbox"/> Vibrant Appeal			
		X				
Sponsor Name:	Greg Chavarria, Interim City Manager		Department:	Keven Klopp, Development Services Director		

SHORT TITLE:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, APPROVING/ DENYING VACATING A CERTAIN DRAINAGE EASEMENT WITHIN THE APPROVED MAJOR DEVELOPMENT PLAN FOR THE DIPLOMAT GOLF COURSE PROJECT LOCATED IN THE SOUTHEAST CORNER OF THE DIPLOMAT PROPERTY SPECIFICALLY, WITHIN THE TOWER 100 SITE; WITH CONDITIONS AS RECOMMENDED BY THE CITY ADMINISTRATION; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF SUMMARY:

Maltese Diplomat Owner, LLC is requesting to vacate a drainage easement within the approved Major Development Plan for the Diplomat Golf Course Project; specifically, within the Tower 100 site, a 250-unit residential building proposed on the southeast corner of the Diplomat property zoned Central City Business District as described in the attached survey (Exhibit A) pursuant to Section 25-103 of the City of Hallandale Beach Code of Ordinances.

Background

On March 2, 2016, the City Commission approved applications by the previous owner of the property, Diplomat Golf Course Venture, LLC for the Diplomat Golf Course Project consisting of three hotel towers with a total of 938 new hotel rooms, 70,960 square feet of accessory hotel uses. Approvals also included rezoning the southeast corner of the Property - a 5-acre parcel with frontage on Diplomat Parkway (Exhibit "A") to Central City Business District for a residential building with 250 units.

Currently, the Applicant/new owner of the Property, Maltese Diplomat Owner, LLC, plans to file for building permits to construct Tower 100. However, there are water and drainage facilities located within an existing drainage easement that conflicts with the approved location of Tower 100. The Applicant is requesting to vacate the existing drainage easement and proposes to dedicate a new easement and relocate the existing facilities, at its expense, within the subject site.

Analysis

1. The applicant requests a vacation of a drainage easement which was granted by plat on the Diplomat Golf Estates Plat recorded in 1958. The easement to be vacated is 40 feet in width by 443.92 feet in length. The legal description and sketch of the area to be vacated is specified in Exhibit "B". Since the drainage easement was granted by Plat and approved by the Broward County Commission, approval by Broward County will also be required.
2. The existing easement is located within the future site of the Tower 100 residential building per the site plan approved by the City Commission on March 2, 2016. Please refer to Exhibit "C" for a sketch that depicts the location of the existing 40 feet easement to be vacated and the proposed new drainage easement to be dedicated in relation to the location of the approved building.
3. The applicant proposes to relocate and dedicate a new drainage easement to the City of Hallandale Beach that would not conflict with the approved location of the proposed Tower 100. The legal description and sketch of the proposed easement is attached as Exhibit "D".
4. AT&T, Florida Power and Light (FPL) and TECO Peoples Gas, have no existing facilities within the easement and had no objections as the easement was limited for drainage purposes, thus, the City of Hallandale Beach was the only recipient of the subject easement.
5. The City Engineer has no objections to the vacation. Presently, there is water and drainage infrastructure within the 40 feet easement. The City has a 10-inch water line and a 36-inch drainage line within the easement. The City Engineer has no objection provided a new easement is provided consistent with the proposed easement included with the application (Exhibit "D") and the lines are relocated at the developer's expense. The Applicant has agreed to provide a new drainage easement and relocate the lines as requested by the City Engineer.
6. As required by Code, a recent certified survey has been provided which delineates the subject utility easement. Also, a list with the names and addresses of all property owners within 1,000 feet has been provided. They will be notified of the public hearing.

Review Criteria:

According to Chapter 25, Section 25-103, the City Commission shall determine whether the requested vacation would be in the interest of the public good. The following criteria shall be considered in determining whether to grant or deny a vacation of right-of-way or easement:

- (1) Whether the public benefits from the use of the subject street, right-of-way, or easement as part of the city street system.

Consistent. There is a 10-inch water line and a 36-inch drainage line within the easement which presently services the area. Public benefit will not be disrupted as the applicant has agreed to provide a new easement and pay for the relocation of the utility lines as required by the City Engineer.

- (2) Whether the proposed action is consistent with the City's comprehensive plan;

Consistent. The proposed action is consistent with the goals and objectives of the City's comprehensive plan which mandates, among its goals and policies, that adequate stormwater drainage facilities be provided to afford reasonable protection from minor flooding.

- (3) The availability of alternative action to alleviate the identified problems;

Consistent. The applicant's proposal includes an alternative action which will continue to provide adequate stormwater drainage to area residents.

- (4) The effect of the proposed action upon traffic circulation;

Consistent. The existing easement to be vacated and proposed easement are located within the Diplomat Property, thus will not affect traffic circulation.

- (5) The effect of the proposed action upon the safety of pedestrians and vehicular traffic;

Consistent. The proposal entails the future relocation of underground lines within the Diplomat Property, thus, will not affect pedestrian or vehicular traffic.

- (6) The effect of the proposed action upon the provision of municipal services, including, but not limited to, emergency services and waste removal;

Consistent. The proposed action will not affect municipal services such as waste removal or emergency services. The new easement would remain within the Diplomat Property.

- (7) The mitigation plan proposed by the applicant to offset any potential impacts;

The applicant's mitigation plan to provide a new easement and pay for the relocation of the utility lines offsets any potential impact that would otherwise occur by granting the vacation.

- (8) The testimony, if any, of property owners within a 1,000-foot radius of the right-of-way that is the subject of the application.

As required by Code, area residents within 1,000 feet have been notified of the public hearing. In addition, the adjacent owner, RK Center, has a perpetual cross access easement agreement for drainage purposes to the subject easement to be vacated. RK has provided a letter of no objection to the relocation of the drainage easement.

Recommendations:

Staff recommends approval of the attached resolution vacating the subject utility easement subject to the following conditions:

1. The Applicant shall grant a new drainage easement as described and shown on attached Exhibit "D" in a form acceptable to the City Attorney.
2. The Applicant shall be responsible for the relocation and construction of the new drainage and water lines in a manner acceptable to the City Engineer.
3. Approval of the easement vacation shall be effective upon Broward County Commission's approval of the vacation.

Attachment(s):

Exhibit 1 - Resolution
Exhibit 2- Cover Letter
Exhibit A- Survey
Exhibit B - Existing Easement to be Vacated
Exhibit C - Existing & Proposed
Exhibit D- Proposed New Easement

Prepared by: 
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Concurred with: 
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