

Lajoie, Corinne

From: Navarro, Ronnie
Sent: Monday, July 20, 2015 9:08 AM
To: Lajoie, Corinne
Cc: pattontnt@earthlink.net
Subject: RE: Retention on 25 FT of vacated area-Edelman

Hi Corinne,

Based on my phone and verbal discussions with the architect on record and the civil engineer on record, the intent of the 25-foot vacation has been adequately clarified in the statements below. I have no objection on the proposed 25-foot vacation.

Thank you

Ronnie S. Navarro, PE

Deputy Public Services Director | City Engineer

From: Lajoie, Corinne
Sent: Monday, July 20, 2015 8:47 AM
To: Navarro, Ronnie
Cc: pattontnt@earthlink.net
Subject: FW: Retention on 25 FT of vacated area-Edelman

See the email trail forwarded to me by the applicant regarding drainage in the proposed City easement. Please confirm that your comments below regarding the vacation has been satisfied.

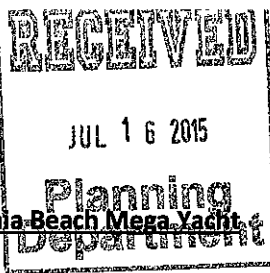
1. Proposed vacated property is termed as a landscape area whereas it is actually used as an impounding swale. Applicant should verify intended use. Use of this property to address stormwater issue may pose unforeseen problems to the City, when the City, at some future time, will develop the remaining portion of the right-of-way for other infrastructure purposes (Engineering).

Thank you.

Corinne Lajoie, AICP, LEED GA
Principal Planner
City of Dania Beach, FL

From: Tara Patton [<mailto:pattontnt@earthlink.net>]
Sent: Thursday, July 16, 2015 9:01 AM
To: Lajoie, Corinne
Subject: Fwd: Retention on 25 FT of vacated area-Edelman

FYI



Abandonment/Vacation Justification-Dania Beach Mega Yacht

This request is seeking the approval of an abandonment of a portion of N.E. 4th Court consisting of approximately 29,265 SF or .68 acres +/- acres. The width of the proposed abandonment is twenty-five (25) feet wide and approximately 1,185 feet long. The proposed area to be abandoned is an unconstructed and unimproved local road owned by the City of Dania Beach. This request seeks approval from the City to abandon twenty-five (25) feet of right-of-way and convey that right-of-way back to the Archdiocese of Miami or its assigns. Please see the attached graphic for the location of the request.

According to Section 655-40(A) of the Dania Beach Land Development Code (LDC):

The City Commission may approve, approve with mitigating conditions or deny an application to vacate right-of-way or the city's interest in an easement based upon the following criteria:

- (1) Whether the vacation will adversely affect access to the neighboring properties; and
- (2) Whether the subject right-of-way or easement is needed for public purpose

Response to Item (1): The proposed vacation will not adversely affect access to the neighboring properties. Great attention has been made to develop the Dania Beach Mega Yacht which is the project slated to be constructed on the property east of the proposed abandonment area. The ingress and egress to the marina facility has been designed in a manner consistent with the neighborhood and character of the City of Dania Beach. The portion of roadway (N.E. 4th Court), subject to the abandonment, has never been constructed or utilized by any resident or the adjacent property owners. The City has not constructed this roadway it is not contemplated for construction. However, the City has requested and will be granted an easement consisting of approximately twelve and one half (12.5) feet over the abandonment area for future access purposes. When developing the site plan for the proposed use, adjacent to proposed vacation area, careful thought has been placed on the massing, size and positioning of the proposed structure so that it is compatible with the surrounding properties and the City's vision for this area. The proposed use of the property as a marina is a passive use. Twenty-two (22) average daily trips are being generated as a result of this project and its impact is very, very low. The nature of the facility, the design, open spaces, and landscaping proposed for property will blend with the surrounding area. The proposed use of the subject property as a marina is consistent with the surrounding land uses. The addition of a marina on the subject property is in harmony with the general character of the neighborhood. The subject property is currently vacant, but perfectly suited to be utilized as a marina due to its proximity to the water. The Dania Cutoff Canal is home to several other marinas and this particular area is well positioned to accommodate large vessels that can be driven into dock by the captain of the vessel opposed to having another boat tow the large vessels into dock which minimizes the number of boats passing through this portion of the canal.

Response to Item (2): The area subject to the abandonment is a platted piece of property which was included as part of the plat known as the Amended Plat of a Portion of Harbor Lawns Plat No. 1 recorded in Plat Book 34, Page 5 of the Public Records of Broward County. The plat, which was recorded in 1954, dedicated N.E. 4th Court, as a City roadway. Since that time, the City has not constructed nor required the construction of this roadway for 61 years. Hence, the Archdiocese and its assigns are eligible to request the original conveyance, the twenty-five (25) feet of right-of-way, as part of the Amended Plat

of a Portion of Harbor Lawns Plat No. 1, to be granted back to the property owner. There is no public purpose for the City to own the proposed abandonment area; however, the City will be granted an easement over one half of the area for access purposes. The outcome of this request will yield a brand new building, open spaces and extensive landscaping. The granting of the abandonment is not contrary to the public interest. The addition of a marina to this area will provide tax revenue as no sales or property tax is being generated as part of the current use. This action creates an atmosphere of renewal and will inspire other properties to engage in redevelopment in this area. The redevelopment of this property, in this location, demonstrates to other property owners, and the public, that there is a desire to improve and upgrade the subject property. This exemplifies sustainability and the desire for long term improvement to this part of the City of Dania Beach.

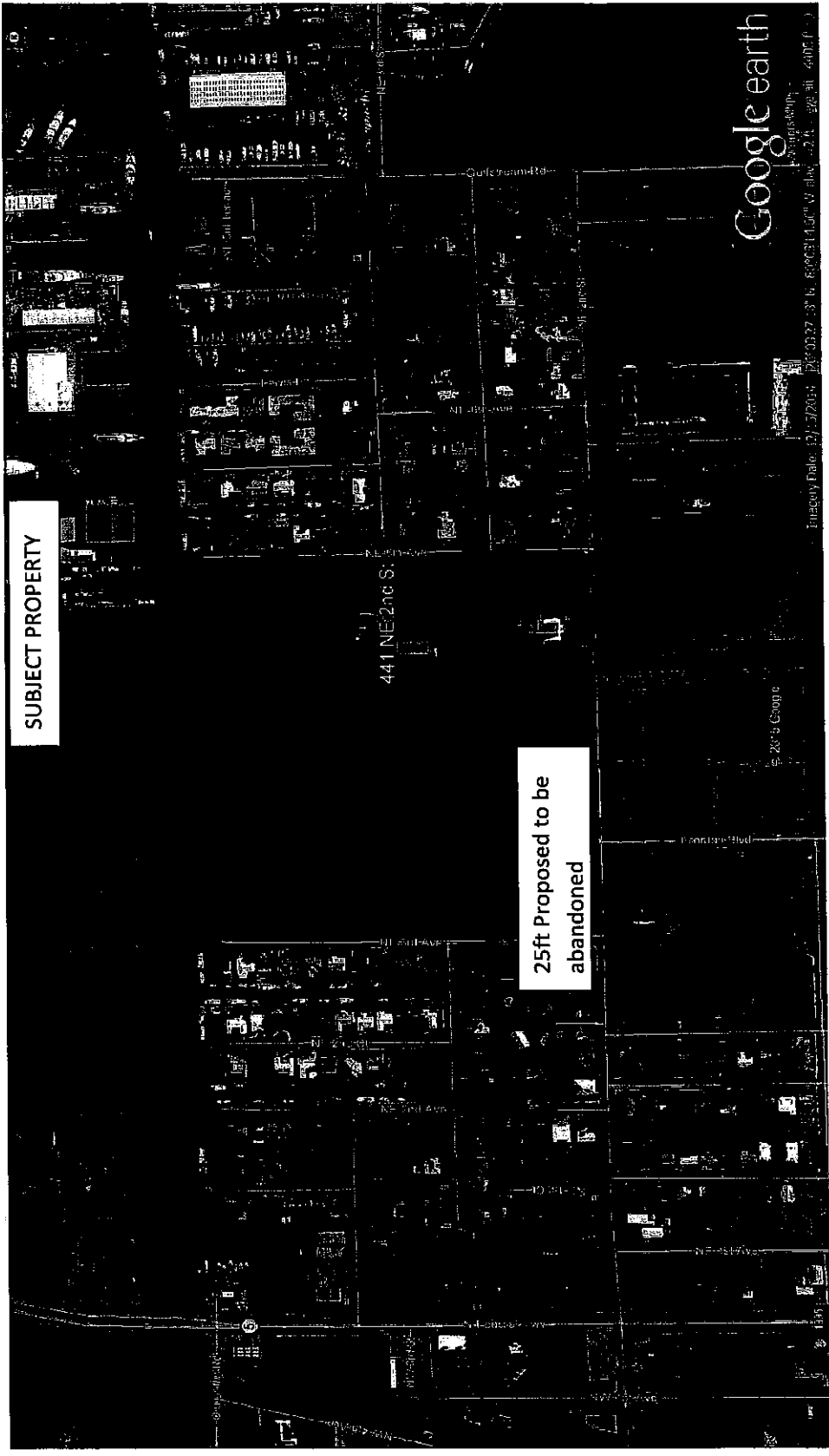
SUBJECT PROPERTY

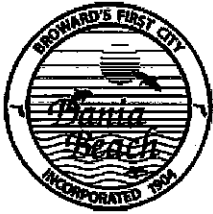
25ft Proposed to be abandoned

441 NE 2nd St

Google earth

Copyright © 2006 Google
Imagery Date: 12/1/2005 23:03:27.316, 600831436 W, elev: 2.4, 320 alt: 600831436





City of Dania Beach, Florida
Department of Community Development
Planning and Zoning Division
(954) 924-6805 X3643
(954) 922-2687 Fax

Standard Development Application

- Administrative Variance
- Land Use Amendment
- Plat
- Rezoning
- Site Plan
- Special Exception
- Variance

Date Rec'd: _____

Petition No.: VC-45-15

Other: **Abandonment of Right-of-Way** (SEE APPLICATION TYPE SCHEDULE ON PAGES 3 & 4)

THIS APPLICATION WILL NOT BE ACCEPTED UNTIL IT IS COMPLETE AND SUBMITTED WITH ALL NECESSARY DOCUMENTS. Refer to the application type at the top of this form and "Required Documentation" checklist to determine the supplemental documents required with each application.

For after the fact applications, the responsible contractor of record shall be present at the board hearing. Their failure to attend may impact upon the disposition of your application. As always, the applicant or their authorized legal agent must be present at all meetings. All projects must also obtain a building permit from the City Building Division. For more information please reference the **Dania Beach Land Development Code Part 6, Development Review Procedures and Requirements.**

Location Address: NE 4th Court from NE 2 Street north to the Dania Cutoff Canal

Lot(s): _____ Block: _____ Subdivision: Harbor Lawns No. 1

Recorded Plat Name: Portion of Amended Plat of a Portion of Harbor Lawns No. 1 PB 34 Page 5 & Portion of Amended Plat of Harbor Lawns No. 1 PB 14 Page 46

Folio Number(s): 504234170011 (R/W), 504234160040 (R/W), 504234160030 (R/W) Legal Description: Please see attached legal description.

Applicant/Consultant/Legal Representative (circle one) Bonnie Miskel, Esq.-Dunay, Miskel & Backman, LLP

Address of Applicant: 14 S.E. 4th Street Boca Raton, FL 33432

Business Telephone: 561-405-3300 Direct: 561-405-3321 (Tara Patton) 561-337-0878-cell

E-mail address: bmiskel@dmbblaw.com or pattontnt@earthlink.net

Name of Property Owner: Archdiocese of Miami Church of the Resurrection c/o Suzanne Dockerty, Esq.
The Most Reverend Thomas G. Wenski

Address of Property Owner: 441 NE 2 Street Dania Beach, FL 33004 or 9401 Biscayne Blvd. Miami Shores, FL 33138

Business Phone of S. Dockerty: 305-443-9162 Email of S. Dockerty: sad@jpfitzlaw.com Address of S. Dockerty: 110 Merrick Way, Suite 3B Coral Gables, FL 33134

Explanation of Request: A request to abandon/vacate N.E. 4th Court from NE 2nd Street north to the Dania Beach Cutoff Canal. For **Plats** please provide proposed **Plat Name** for **Variations** please attach **Criteria Statement** as per **Section 625.40 of the Land Development Code.**

Proposed Net Acreage: 29,265 SF or .68 AC Proposed Gross Acreage: 29,265 SF or .68 AC

Existing Use: Vacant Proposed Use: Open space (City to retain 12.5 FT as easement)

Is property owned individually, by a corporation, association, or a joint venture? The property is owned by the Archdiocese of Miami Church of the Resurrection. The contract purchaser is Edelman Development Corporation.

AUTHORIZED REPRESENTATIVE

I/we are fully aware of the request being made to the City of Dania Beach. If I/We are unable to be present, I/we hereby authorize Bonnie Miskel, Esq. et al. (Please see attached letter(s) on behalf of the Owner and Applicant providing the requested authorizations, (individual/firm) to represent me/us in all matters related to this application. I/we hereby acknowledge that the applicable fee was established to offset administrative costs and is not refundable.

I/we are fully aware that all approvals automatically expire within 12 months of City of Dania Beach Planning and Zoning Board or City Commission approval, or pursuant to

STATE OF FLORIDA
COUNTY OF BROWARD
The foregoing instrument
was acknowledged

By: Bonnie Miskel
(Owner / Agent signature*)

BEFORE ME THIS 9th DAY OF April, 2015

By:

Bonnie Miskel, Esq.
(Print name of person acknowledging)

(Joint owner signature if applicable)

Notary Tara-Lynn Patton
(Signature of Notary Public – State of _____)



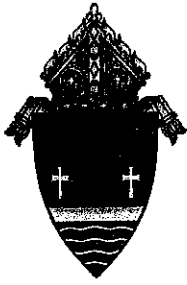
Personally known or Produced Identification _____

Type of identification produced: _____ or Drivers License _____

***If joint ownership, both parties must sign. If partnership, corporation or association, an authorized officer must sign on behalf of the group. A notarized letter of authorization from the owner of record must accompany the application if an authorized agent signs for the owner(s).**

NO APPLICATION WILL BE AUTOMATICALLY SCHEDULED FOR A MEETING.

**ALL APPLICATIONS MUST BE DETERMINED COMPLETE BY STAFF
BEFORE PROCESSING OCCURS.**



ARCHDIOCESE OF MIAMI
Building and Property Office

April 7, 2015

Mr. Ken Edelman
Edelman Development Corporation
2600 Glades Circle, Suite 100
Weston, FL 33327

RE: Letter of Authorization – Owner

Mr. Edelman:

The Archbishop of the Archdiocese of Miami is the owner of the 4.556 acre +/- property located between N.E. 4th Court and N.E. 5th Street, north of N.E. 2nd Street and immediately south of the Dania Cutoff Canal within the City of Dania Beach, Florida (hereinafter referred to as the Subject Property). This letter is to provide consent to Edelman Development Corporation (or assigns) to serve as the Applicant on our behalf to submit the necessary applications, all required material and documents, and attend all meetings and public hearings pertaining to the request(s) to develop the Subject Property. Furthermore, as owner of the Subject Property, we hereby give consent to the following to serve as agents for the Subject Property:

Dunay, Miskel and Backman, LLP
Schwebke, Shiskin & Associates, Inc
The Chappell Group
Gutierrez & Lozano Architects
Ross Engineering, Inc.
Christopher Cawley Landscape Architecture, LLC

to submit and process any and all development applications to the City of Dania Beach, and all other applicable agencies, involved in the approval, permitting and development of the subject property, and appear at any meetings or public hearings necessary for the approval, permitting and development of the subject property located within the City of Dania Beach, Florida.

Sincerely,

Sister Elizabeth Worley, SSI
Chief Operating Officer of the Archdiocese of Miami

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That the most Reverend Thomas Wenski, as Archbishop of the Archdiocese of Miami, his successors in office, a corporation sole, has made, constituted and appointed, and by these presents does hereby make, constitute and appoint Sister Elizabeth A. Worley, C.O.O., his true and lawful attorney for him and in his name, place, and stead.

Giving and granting unto Sister Elizabeth A. Worley, C.O.O., his said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises as fully, to all intents and purposes, as he might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that Sister Elizabeth A. Worley, C.O.O., his said attorney or his substitute shall lawfully do or cause to be done by virtue hereof.

In Witness Whereof, I have hereunto set my hand and seal this 20 day of February, A.D., 2015.

Signed, sealed and delivered in the presence of:

Witness:

Witness Signature

Printed Name

Witness Signature

Printed Name

Thomas Wenski

The Most Reverend Thomas Wenski
As Archbishop of the Archdiocese of
Miami his successors in office, a
corporation sole

STATE OF FLORIDA)

SS:

COUNTY OF DADE)

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgements, personally appeared The Most Reverend Thomas Wenski, as Archbishop of the Archdiocese of Miami, his successors in office, a corporation sole, known to me to be the person described in and who executed the forgoing instrument, who acknowledged before me that he executed the forgoing instrument, who acknowledged before me that he executed the same, and an oath was not taken. Said person is personally known to me Said person provided the following type of identification: _____

Witness my hand and official seal in the County and State last aforesaid this 20 day of February, A.D., 2015.

My Commission Expires:




Mayra Neulina Rosell



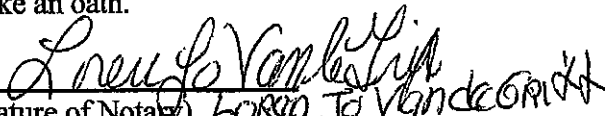
Statement of Interest in Property and Authorization to File Petitions

EDELMAN DEVELOPMENT CORPORATION hereby certifies that it is the Contract Purchaser of the subject property located between on N.E. 4th Court (to the west), N.E. 5th Avenue (to the east), N.E. 2nd Street (to the south) and abutting the Dania Beach Cutoff Canal and authorizes DUNAY, MISKEL & BACKMAN LLP, as agent, SCHWEBKE SHISKIN & ASSOCIATES, INC., as agent, THE CHAPPELL GROUP, INC, as agent and GUTIERREZ & LOZANO ARCHITECTS as Christopher Cawley Landscape Architecture, LLC as agent and Ross engineering, LLC as agent to submit and process any and all development applications to the City of Dania Beach, and all other applicable agencies, involved in the approval, permitting and development of the subject property, and appear at any meetings or public hearings necessary for the approval, permitting and development of the subject property located within the City of Dania Beach, Florida.

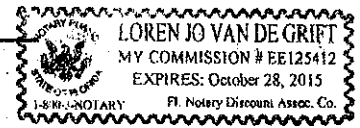
X 
by Kenneth Edelman as President of
Edelman Development Corp.

2600 Glades Circle Suite 100
Weston, Florida 33327
954-384-6880

The foregoing instrument was acknowledged before me this 7th day of April, 2015 by Kenneth Edelman whom is personally known to me or has produced me as identification and did/did not take an oath.


(Signature of Notary) LOREN JO VANDEGRIFT

My Commission Expires: _____



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

SOUTH LINE 1/4; 1/4; -SEC. 34-50S-42E

DANIA CUT-OFF CANAL

RIVER DRIVE
(P.B. 14-PG. 46)

55'

470'



440'

30'

25'

25'

WEST LINE OF EAST 440'
BLOCKS 1, 2, 3 & 4
AMENDED PLAT OF HARBOR
LAWNS NO. 1
(P.B. 14 - PG. 46)

EAST LINE
BLOCKS 1, 2, 3 & 4
AMENDED PLAT OF
HARBOR LAWNS NO. 1
(P.B. 14 - PG. 46)

35'

EAST LINE OF WEST 181'
BLOCKS 1, 2, 3 & 4
AMENDED PLAT OF HARBOR LAWNS NO. 1
(P.B. 14 - PG. 46)

PARCEL "B"
DANIA JAI-ALAI PLAT
(P.B. 177 - PG. 170)

(O.R.B. 3757 - PG. 285)

(O.R.B. 101 - PG. 349)

NE 4th Court (P.B. 34 - PG. 5)

NE 5th Avenue (P.B. 34 - PG. 5)

EAST LINE - NE 1/4 SEC 34-50S-42E

ROYAL PALM VISTA
(P.B. 41 - PG. 12)

30'

N.E. 2ND STREET
(P.B. 177-PG. 170)

30'

Amended Plat of a
Portion of Harbor Lawns No. 1
(PB 34 - Pg 5)

30'

35'

MATCH LINE
SEE SHEET 2

N.E. 2ND
PLACE

25'

25'



1 INCH = 100 FEET

Schwelbke-Shiskin & Associates, Inc.
LAND SURVEYORS • ENGINEERS • LAND PLANNERS

(LB-87)

3240 CORPORATE WAY, MIRAMAR, FLORIDA 33025 DADE:(305) 652-7010 BROWARD:(954) 435-7010 FAX:(305) 652-8284

THIS IS NOT A "LAND SURVEY."

ORDER NO.: 204005

PREPARED UNDER MY SUPERVISION:

DATE: 05/28/15

Mark Steven Johnson
MARK STEVEN JOHNSON, PRINCIPAL

SHEET 1 OF 3 SHEET(S)

F.B.: N/A

FLORIDA PROF. LAND SURVEYOR NO. 4775

LEGAL DESCRIPTION TO ACCOMPANY SKETCH

All of North East Fourth Court, as dedicated by the Amended Plat of a Portion of Harbor Lawns, No. 1, according to the plat thereof, as recorded in Plat Book 34, at Page 5, of the Public Records of Broward County, Florida.

Schwelbke-Shiskin & Associates, Inc.

(LB-87)

LAND SURVEYORS • ENGINEERS • LAND PLANNERS

3240 CORPORATE WAY, MIRAMAR, FLORIDA 33025 DADE:(305) 652-7010 BROWARD:(954) 435-7010 FAX:(305) 652-8284

THIS IS NOT A "LAND SURVEY."

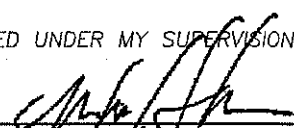
ORDER NO.: 204005

PREPARED UNDER MY SUPERVISION:

DATE: 05/28/15

SHEET 3 OF 3 SHEET(S)

F.B.: N/A


MARK STEVEN JOHNSON, PRINCIPAL
FLORIDA PROF. LAND SURVEYOR NO. 4775

