

# City of Coconut Creek

## InterOffice Memorandum

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**To:** Planning and Zoning Board

**Date:** December 14, 2016

**From:** W. Scott Stoudenmire, AICP  
Deputy Director of Sustainable Development

**Subject:** **Parkwood VI**  
**Vacation of Canal and Underground**  
**Utility Easement**  
**Agenda Item No. 4**

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<b>Applicant/Agent:</b>	City of Coconut Creek
<b>Owner:</b>	Parkwood VI Residents - Utilities and other government agencies have easement rights
<b>Requested Action/Description:</b>	Vacation of Canal and Underground Utility Easement
<b>Location:</b>	4153-4273 NW 66 Drive, 6675 NW 42 Terrace, and 6660 NW 41 Terrace
<b>Legal Description:</b>	The "20.00 foot wide canal maintenance and underground utility easement" in Tract "A" of "Parkwood VI", according to the plat thereof, as recorded in Plat Book 148, Page 37, of the public records of Broward County, Florida; also being the southerly 20 feet of the "50' canal easement" shown on said plat.
<b>Size:</b>	0.4763 +/- gross acres
<b>Existing Zoning:</b>	PUD, Planned Unit Development
<b>Existing Use:</b>	Residential
<b>Future Land Use Plan Designation:</b>	Low 5 - Residential (5du/ac)
<b>Platted:</b>	Parkwood VI
<b>Plat Restriction:</b>	NA

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**Requested Action:**

The City of Coconut Creek, on behalf of the owners of Parkwood VI, is requesting to vacate a 20 foot canal maintenance and underground utility easement also being the southerly 20 feet of a 50 foot canal easement located in Tract A of the Parkwood VI Plat.

**Project Description:**

The subject easement is located along the northern edge of the Parkwood VI single family subdivision, adjacent to a drainage canal. This easement also encumbers a large portion of the rear yards of multiple homes within the Parkwood VI subdivision. Over the years, several pools and pool decks have been constructed within this easement, which has created an issue for homeowners seeking clear title during a sale process or other real estate transaction. This encumbrance, while it remains, will continue to be an issue in future transactions. The City, in an effort to solve a longstanding issue in this neighborhood has initiated the vacation process. As a platted easement, the vacation process will also need to be initiated with Broward County once completed with the City.

**Public Involvement:**

Per Section 13-36.1(e)(1)(c), property owners within 300 feet of the subject property (40 property owners) were notified by mail of the vacation of easement request and invited to attend the Planning and Zoning Board meeting. To date, staff has not received any public inquiries related to the project.

**Analysis and Findings:**

Upon reviewing the application, staff has concluded that no conflicts exist within the easement, nor would any new utilities be required within the existing easement for the construction of the site as proposed.

In summary, the vacation of easement is in substantial compliance with the City's Land Development Code. However, prior to final approval, the following comments must be addressed:

1. Outstanding DRC comments remain in effect throughout the development review process and must be addressed prior to issuance of a building permit.

**Staff Recommendation:**

Staff has reviewed the application and finds the proposed vacation of easement, subject to the above conditions, to be in compliance with Section 13-36.1 of the City of Coconut Creek Land Development Code, Vacation and Abandonment of Streets and Easements, and recommends approval.

LA:WSS:jw

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**Attachments:**

Aerial Photo

DRC Report

Exhibits