



**City of Okeechobee**  
**TECHNICAL REVIEW COMMITTEE**  
**55 SOUTHEAST THIRD AVENUE ♦ OKEECHOBEE, FL 34974**  
**June 18, 2020**  
**LIST OF EXHIBITS**

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<b>Draft Minutes</b>	May 21, 2020 Summary of Committee Action
<b>Applications</b>	Abandonment of Right-of-Way Petition No. 20-001-AC-SC



**CITY OF OKEECHOBEE**  
**General Services Department**  
**55 Southeast 3<sup>rd</sup> Street**  
**Okeechobee, Florida 34974**  
**863-763-3372 X 9820**  
**Fax: 863-763-1686**

**ABANDONMENT OF RIGHT-OF-WAY PETITION**

**PETITION NO.** 80-001-AC-SC

<b>Application fee (non-refundable)</b> <b>\$600.00</b>  <b>Note: (Resolution No. 98-11) Schedule of Land Development Regulation Fees and Charges</b> <b>When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.</b>	Date Fee Paid: <u>5-5-80</u>	Receipt No: <u>53903</u>
	TRC Meeting: <u>6-18-20</u>	Publication Date: Letters Mailed:
	PB/BOA Meeting: <u>7-16-20</u>	Publication Dates: Letters Mailed:
	City Council 1 <sup>st</sup> Reading: <u>8-4-20</u>	CMR Letter E-mailed:
	City Council Public Hearing: <u>9-1-20</u>	Publication Date:

**Right-of-way Definition:** Land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress or egress, or other purpose by the public, certain designated individuals, or governing bodies. [F.S. Ch. 177 § 177.031(16)]. Easements for roads and related purposes shall be considered as right-of-way.

RECEIVED APR 24 2020

**Legal Description of the Right-of-Way to be Abandoned:**

That portion of alley, 20 feet in width, lying between Lots 1 through 10 and Lots 17 through 26, Block 39, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida.

Together with:

That portion of Northwest 10th Street (formerly known per plat as Sixteenth Avenue), 70 feet in width, lying between Lots 1 through 10, Block 39 and Lots 17 through 26, Block 28, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida.

**Note:** Upon abandonment of a right-of-way in the City of Okeechobee or First Addition of City of Okeechobee Subdivision's, there may be a Fee Simple Interest from the Hamrick Trust. For more information contact Gil Culbreth, 3550 US Hwy 441 South, Okeechobee, Florida 34974, 863-763-3154.

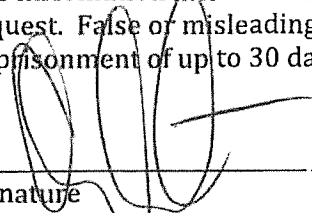
**Purpose of the Right-of-Way Abandonment:**

NW 10th Street ROW and the alley are required to be abandoned so the block to the north can be joined to this one for a multifamily residential project.

PETITION NO. 20-001-AC-SC

✓	Name of property owner(s): Omar Abuaita
	Owner(s) mailing address: 3000 N. Ocean Drive, Unit 16F, Rivera Beach, FL 33404
	Owner(s) e-mail address: randy@twodrunkgoats.net
	Owner(s) daytime phone(s): 863-824-7644 Fax:

✓	<b>Required Attachments</b>
___	Copy of recorded deed of petitioner <sup>*</sup> as well as any other property owner whose property is contiguous to the right-of-way.
___	Letters of Consent or Objection. (If more than one property owner is involved and they are <b>not</b> signing the petition). <b>SEE NOTE BELOW FOR ADDITIONAL INSTRUCTIONS</b>
✓	Location map of subject property and surrounding area within 100' (See Information Request Form attached) and dimensions of right-of-way.
___	List of all property owners within 300' of subject property (See Information Request Form attached)
✓	Site Plan of property after abandonment. (No larger than 11x 17)
___	Utility Companies Authorization Form. (See attached)
✓	Supplementary supporting information: Copy of recorded Plat of the Subdivision where right-of-way exists no larger than 11x17. (Can be obtained from the County Clerk's Office, Court House)
<b>PLEASE NOTE:</b> <i>If there are other property owners that are contiguous to the subject right-of-way, a notarized letter must be attached with the following information: date, their name(s), what property they own, and whether they object to or consent to the right-of-way abandonment. (See attached sample letter)</i>	

✓	<b>Confirmation of Information Accuracy</b>
I hereby certify that the information contained in and/or attached with this petition is correct. The information included in this petition is for use by the City of Okeechobee in processing my request. False or misleading information may be punishable by a fine of up to \$500.00 and imprisonment of up to 30 days and may result in the summary denial of this petition.	
	Omar Abuaita
Signature	Printed Name
	4-8-20 Date

**PLEASE COMPLETE THE FOLLOWING**

**FINDINGS REQUIRED FOR GRANTING A VACATION OF RIGHTS-OF-WAYS  
(Sec. 78-33, page CD78:4 in the LDR's)**

It is the Petitioner's responsibility to convince the Technical Review Committee, Planning Board/BOA and City Council that approval of the proposed vacation is justified. Specifically, the Petitioner should provide in his/her application and presentation sufficient explanation and documentation to convince the reviewing body to find that:

**1. Proposed vacation is consistent with the Comprehensive Plan:**

The requested road ROW and alley are currently not used for access or utilities, there is no mention of alleys in the City's Comprehensive plan, the LDR's mention alleys in Section 86-142, which states alley may be allowed in residential districts, also in Section 70-335, which states notice of abandonment required, otherwise they are other referenced, but not concerning vacancies.

**2. Right-of-way to be vacated is not the sole access to any property, and the remaining access is not an easement:**

Neither ROW or alley is sole access to any property and a remaining land will not require an easement.

**3. Proposed vacation is in the public interest and provides a benefit to the City:**

The proposed vacation of the ROW and alley is within a block that will become a multifamily project to provide workforce housing, which the City is in need of, so this vacation will allow the existing ROW and alley's square footage to add density to this project so more housing can be added and return the property to the tax rolls.

**4. Proposed vacation would not jeopardize the location of any utility.**

There are currently no utilities in either of the requested abandonments.

The City Staff will, in the Staff Report, address the request and evaluate it and the Petitioner's submission in light of the above criteria and offer a recommendation for *approval or denial*).





FILE NUM 2019009528  
 OR BK 830 PG 1298  
 SHARON ROBERTSON, CLERK & COMPTROLLER  
 OKEECHOBEE COUNTY, FLORIDA  
 RECORDED 09/16/2019 08:33:01 AM  
 AMT \$12,000.00  
 RECORDING FEES \$18.50  
 DEED DOC \$84.00  
 RECORDED BY M Pinon  
 Pgs 1298 - 1299; (2 pgs)

Prepared by and return to:  
 Patricia A. Ragon

Clear Title & Legal Services  
 202 NW 5th Street  
 Okeechobee, FL 34972  
 863-824-6776  
 File Number: 3488-19  
 Will Call No.:

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this 13th day of September, 2019 between Selina Abney, a single woman whose post office address is 477 SW 72nd Terrace, Okeechobee, FL 34974, grantor, and Omar Abuaita, a single man whose post office address is 2800 N. Ocean Drive, Unit A23D, Riviera Beach, FL 33404, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Okeechobee County, Florida** to-wit:

**Lots 17,18,19,20,21,22,23,24,25 and 26, Block 39, CITY OF OKEECHOBEE, according to the Plat thereof recorded in Plat Book 5, Page 5, Public Records of Okeechobee County, Florida**

**Parcel Identification Number: 3-15-37-35-0010-00390-0170**

and

**Lots 1,2,3,4,5,6,7,8,9 and 10, Block 39, CITY OF OKEECHOBEE, according to the Plat thereof recorded in Plat Book 5, Page 5, Public Records of Okeechobee County, Florida**

**Parcel Identification Number: 3-15-37-35-0010-00390-0010**

**Subject to; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.**

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2018**.

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

DoubleTime®

Signed, sealed and delivered in our presence:

Patricia A. Ragon  
Witness Name: **Patricia A. Ragon**

Valerie Martin  
Witness Name: **Valerie Martin**

Selina Abney (Seal)  
Selina Abney

State of Florida  
County of Okeechobee

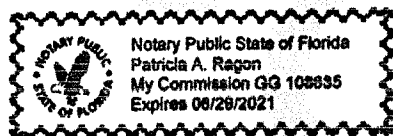
The foregoing instrument was acknowledged before me this 13th day of September, 2019 by Selina Abney, who ☐ is personally known or ☒ has produced a driver's license as identification.

[Notary Seal]

Patricia A. Ragon  
Notary Public

Printed Name: **Patricia A. Ragon**

My Commission Expires: \_\_\_\_\_



Prepared By:  
CITIZENS TITLE ONLINE INC  
10235 W SAMPLE ROAD SUITE 206  
CORAL SPRINGS, FL 33065

FILE NUM 2007014721  
OR BK 00442 PG 0463  
SHARON ROBERTSON, CLERK OF CIRCUIT COURT  
OKEECHOBEE COUNTY, FL  
RECORDED 11/01/2007 12:28:44 PM  
RECORDING FEES 10.00  
DEED DOC 2,450.00  
RECORDED BY N Arnold  
Pg 0463 (1pg)

## **PERSONAL REPRESENTATIVE DEED**

**File No., 92070816**

This Indenture made this 11 day of OCTOBER, A.D. 2007 between  
NYSOLA GRANT AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MELTON  
GEORGE GRANT as Grantor\*, whose address is: 14432 WELLINGTON TRACE  
WELLINGTON, FL 33414

and FOSLER, LLC

as Grantee\*, whose address is: 728 SANDPIPER WAY NORTH NORTH PALM BEACH, FL 33408

WITNESSETH, That said Grantor, for and in consideration of the sum of TEN AND 00/100'S  
(\$10.00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee,  
the receipt whereof is hereby acknowledged, has granted, bargained and sold to the grantee and grantee's  
heirs and assigns forever the following described land located in the County of OKEECHOBEE  
State of Florida, to-wit:

LOTS 1 THROUGH 10, INCLUSIVE AND LOTS 17 THROUGH 26 INCLUSIVE, BLOCK 28,  
CITY OF OKEECHOBEE, ACCORDING TO THE PLAT OR MAP THEREOF DESCRIBED  
IN PLAT BOOK 5, AT PAGE(S) 5, OF THE PUBLIC RECORDS OF OKEECHOBEE  
COUNTY, FLORIDA.

Property Tax ID Number: 3-15-37-35-0010-00280-0010, R3-15-37-35-0010-00280-0100  
3-15-37-35-0010-00280-0170 and 3-15-37-35-0010-00280-0180

SUBJECT TO easements, restrictions and reservations of record, if any but this shall not  
reimpose same and taxes for 2007 and subsequent years.

Said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful  
claims of all persons whomsoever.

\*Singular and plural are interchangeable as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first  
above written,

(WITNESS 1)  
SIGN AND PRINT NAME

Amber E B McMichael  
Amber E B McMichael

NYSOLA GRANT, AS PERSONAL REPRESENTATIVE  
OF THE ESTATE OF MELTON GEORGE GRANT

(WITNESS 2)  
SIGN AND PRINT NAME

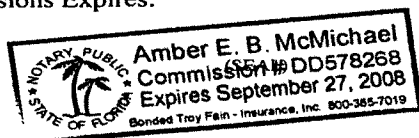
Jody Newman  
Jody Newman

State of FLORIDA

County of Palm Beach

The foregoing instrument was acknowledged before me on this 11<sup>th</sup> day of October,  
2007 by NYSOLA GRANT is personally known to me or who has produced  
FLDC as identification and did \_\_\_\_\_ take any oath.

My Commissions Expires:



Amber E B McMichael  
Notary Public  
PRINT OR TYPE NAME:

City of Okeechobee  
55 SE 3<sup>rd</sup> Avenue  
Okeechobee, FL 34974

Dear Reviewer:

Fosler, LLC owns the following property:

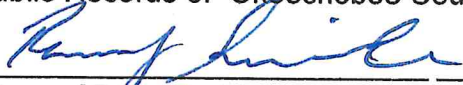
Lots 1 to 10 Block 28 and lots 17 to 26 inclusive, City of Okeechobee, Plat Book 5, Page 5 as recorded in the Okeechobee County Public Records.

Do hereby consent or agree, with my/our signature below, to the closing of the alley and/or street described below:

That portion of alley, 20 feet in width, lying between Lots 1 through 10 and Lots 17 through 26, Block 39, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida.

Together with

That portion of Northwest 10th Street (formerly known per plat as Sixteenth Avenue), 70 feet in width, lying between Lots 1 through 10, Block 39 and Lots 17 through 26, Block 28, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida.



Signature of Property Owner Signature of Property Owner

Randy Simler

Printed Name Printed Name

STATE OF FLORIDA

COUNTY OF OKEECHOBEE

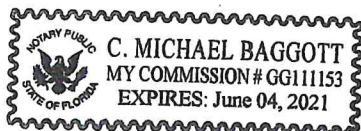
The foregoing instrument was acknowledged before me this 03-30-2020  
(date) by RAUDEL G. SIMLER,  
who is personally known to me or who produced FLORIDA DL as  
identification and who did (did not) take oath.

(Seal) 

(Notary Public signature)

Commission No. GG111153

(Name of Notary typed, printed or stamped)



**2019 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT**

DOCUMENT# L07000081937

Entity Name: FOSLER, LLC

Current Principal Place of Business:

C/O RANDY SIMLER  
310 LAKE SHORE DR APT #3  
LAKE PARK, FL 33403

**FILED**  
**Mar 28, 2019**  
**Secretary of State**  
**2930627666CC**

Current Mailing Address:

C/O RANDY SIMLER  
310 LAKE SHORE DR APT #3  
LAKE PARK, FL 33403 US

FEI Number: 26-0811427

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

SIMLER, RANDY  
310 LAKE SHORE DR  
APT #3  
LAKE PARK, FL 33403 US

*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.*

SIGNATURE:

\_\_\_\_\_  
Electronic Signature of Registered Agent

\_\_\_\_\_  
Date

**Authorized Person(s) Detail :**

Title MGRM  
Name FOSTER, KENNETH  
Address 525 KINGFISH RD  
City-State-Zip: NORTH PALM BEACH FL 33408

Title MGRM  
Name SIMLER, RANDY  
Address 310 LAKE SHORE DR  
APT #3  
City-State-Zip: LAKE PARK FL 33403

*I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.*

SIGNATURE: KENNETH FOSTER

MGRM

03/28/2019

\_\_\_\_\_  
Electronic Signature of Signing Authorized Person(s) Detail

\_\_\_\_\_  
Date

City of Okeechobee  
55 SE 3<sup>rd</sup> Avenue  
Okeechobee, FL 34974

Dear Reviewer:

Fosler, LLC owns the following property:

Lots 1 to 10 Block 28 and lots 17 to 26 inclusive, City of Okeechobee, Plat Book 5, Page 5 as recorded in the Okeechobee County Public Records.

Do hereby consent or agree, with my/our signature below, to the closing of the alley and/or street described below:

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\_\_\_\_\_  
Signature of Property Owner Signature of Property Owner

Randy Simler

Printed Name Printed Name

STATE OF FLORIDA

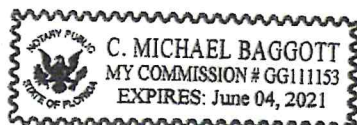
COUNTY OF OKEECHOBEE

The foregoing instrument was acknowledged before me this 03-30-2020  
(date) by RANDEL G. SIMLER  
who is personally known to me or who produced FLORIDA DL as  
identification and who did (did not) take oath.

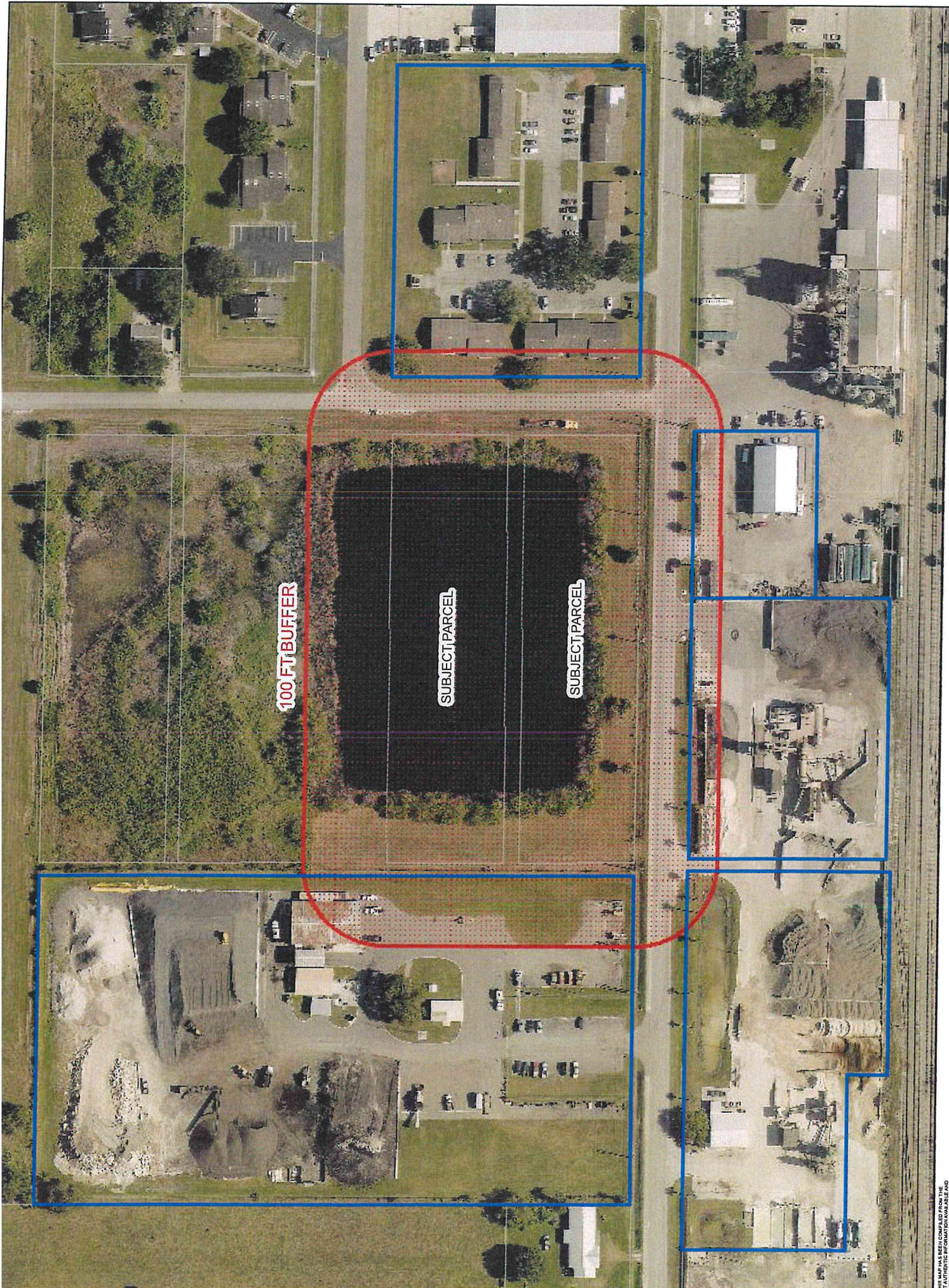
(Seal)   
\_\_\_\_\_  
(Notary Public signature)

Commission No. GG11153

\_\_\_\_\_  
(Name of Notary typed, printed or stamped)



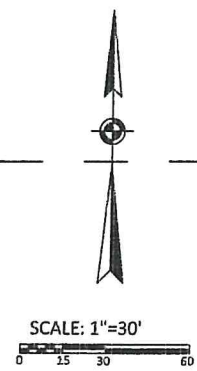






PARCEL NUMBER	OWNER	ADDRRESS 1	ADDRESS 2	ADDRESS 3	CITY	ST	ZIP
3-15-37-35-0010-00280-0010	FOSLER LLC	C/O RANDY SIMLER	310 LAKE SHORE DR APT #3		NLAKE PARK	FL	33403
3-15-37-35-0010-00280-001A	HAMRICK TRUST	% H G CULBRETH	P O BOX 848		OKEECHOBEE	FL	349730848
3-15-37-35-0010-00280-0180	FOSLER LLC	C/O RANDY SIMLER	310 LAKE SHORE DR APT#3		LAKE PARK	FL	33403
3-15-37-35-0010-00290-0010	OKEECHOBEE COMMONS, LTD.	C/O PROPERTY TAX EAGLE	3338-L1 COUNTRY CLUB RD	SUITE 236	VALDOSTA	GA	316050000
3-15-37-35-0010-00290-0110	KNIGHT ROBERT W	1010 NW 5TH AVE			OKEECHOBEE	FL	349740000
3-15-37-35-0010-00380-0070	TANGLEWOOD LTD	C/O A & M PROPERTIES INC	PO BOX 330		LAKELAND	FL	338020000
3-15-37-35-0010-00400-0070	C W ROBERTS CONTRACTING INC	3372 CAPITAL CIR NE			TALLAHASSEE	FL	323083710
3-15-37-35-0010-00450-0010	C W ROBERTS CONTRACTING INC	3372 CAPITAL CIR NE			TALLAHASSEE	FL	323083710
3-15-37-35-0010-00460-0010	WALPOLE JAY L & STEPHANIE	PO BOX 1723			OKEECHOBEE	FL	349731723
3-15-37-35-0010-00460-0050	C W ROBERTS CONTRACTING INC	3372 CAPITAL CIR NE			TALLAHASSEE	FL	323083710
3-15-37-35-0010-00460-0220	SEABOARD COAST LINE RAILROAD	%WALPOLE FEED & SUPPLY CO	2595 NW 8TH STREET		OKEECHOBEE	FL	34974
3-15-37-35-0010-00460-022A	WALPOLE JAY L	PO BOX 1723			OKEECHOBEE	FL	349731723
3-15-37-35-0010-00470-0010	WALPOLE KEITH A	2850 SW 16TH ST			OKEECHOBEE	FL	34972
3-15-37-35-0010-00470-0100	WALPOLE FEED AND SUPPLY CO	2595 NW 8TH STREET			OKEECHOBEE	FL	34972





**Steven L. Dobbs Engineering, LLC**  
1062 JAKES WAY  
Okeechobee, FL 34974  
Phone: (863) 824-7644

FLORIDA CERTIFICATE OF AUTHORIZATION No. 00029206

REVISIONS			
No.	DATE	BY	

**OMAR ABUAITA**  
**CITY OF OKEECHOBEE ANBANDONMENT**  
LOCATED IN THE CITY OF OKEECHOBEE, FL

**POST ABANDONMENT EXHIBIT**

JOB No.: 2019-031  
SHEET  
**1** OF **1**



**CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION**  
Utility Companies Authorization Form

**Instructions:**

**Applicant:** Deliver the petition and this form to the following Utility Companies for their comments. It must be signed and dated with a contact number for each person.

**Utility Companies:** If an easement is needed, provide a complete legal description for it. The City Attorney will address it as a nonexclusive perpetual easement within the Ordinance. If there is going to be a relocated easement, provide legal of where it's to be relocated to. The City Attorney will address this in the Ordinance by denoting the relocated easement is in an attached exhibit to the Ordinance. Additionally, the effective date will be upon the City's receipt of the recorded relocated easement between the owner and utility company and provided on the utility company's form.

<b>Florida Power &amp; Light</b>	FPL HAS NO Objection
<b>863-467-3708</b>	There Are NO FPL Facilities
<b>Donna Padgett</b>	At this time

*Donna Padgett*

Donna Padgett

863 467-3708

3/20/20

Authorized Signature

Typed Name & Title

Phone No.

Date

<b>Embarq d/b/a Century Link</b>	
<b>863-452-3185</b>	
<b>Kenneth R. Lutz</b>	
<a href="mailto:ken.lutz@centurylink.com">ken.lutz@centurylink.com</a>	

Authorized Signature

Typed Name & Title

Phone No.

Date

<b>Comcast Cable</b>	
<b>863-763-2824</b>	
<b>107 NW 7<sup>th</sup> Avenue</b>	

Authorized Signature

Typed Name & Title

Phone No.

Date

<b>Okeechobee Utility Authority</b>	
<b>John Hayford</b>	
<b>863-763-9460</b>	
<b>100 SW 5<sup>th</sup> Avenue</b>	

Authorized Signature

Typed Name & Title

Phone No.

Date

<b>Florida Public Utilities</b>	
<b>Dale M. Butcher</b>	
<b>561-366-1635</b>	
<a href="mailto:dbutcher@fpuc.com">dbutcher@fpuc.com</a>	

Authorized Signature

Typed Name & Title

Phone No.

Date

**\*REQUIRED ONLY FOR CITY OF OKEECHOBEE & FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS**

<b>Hamrick Estate</b>	
<b>Gil Culbreth, Co-Trustee</b>	
<b>863-763-3154</b>	

Authorized Signature

Typed Name & Title

Phone No.

Date

# LEGEND:

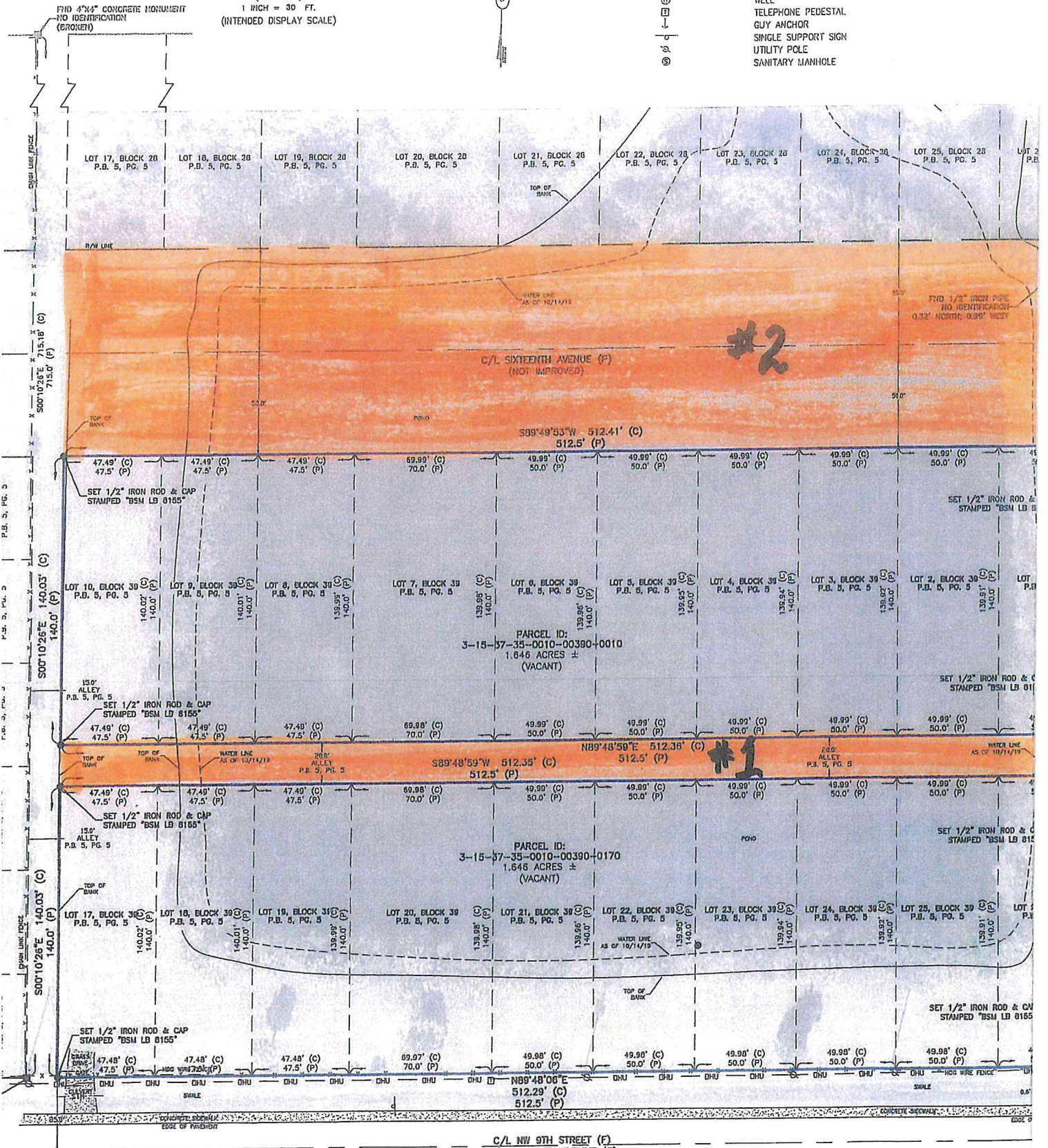
# BOUNDARY

SECTION  
TOWNSHIP :  
RANGE 3

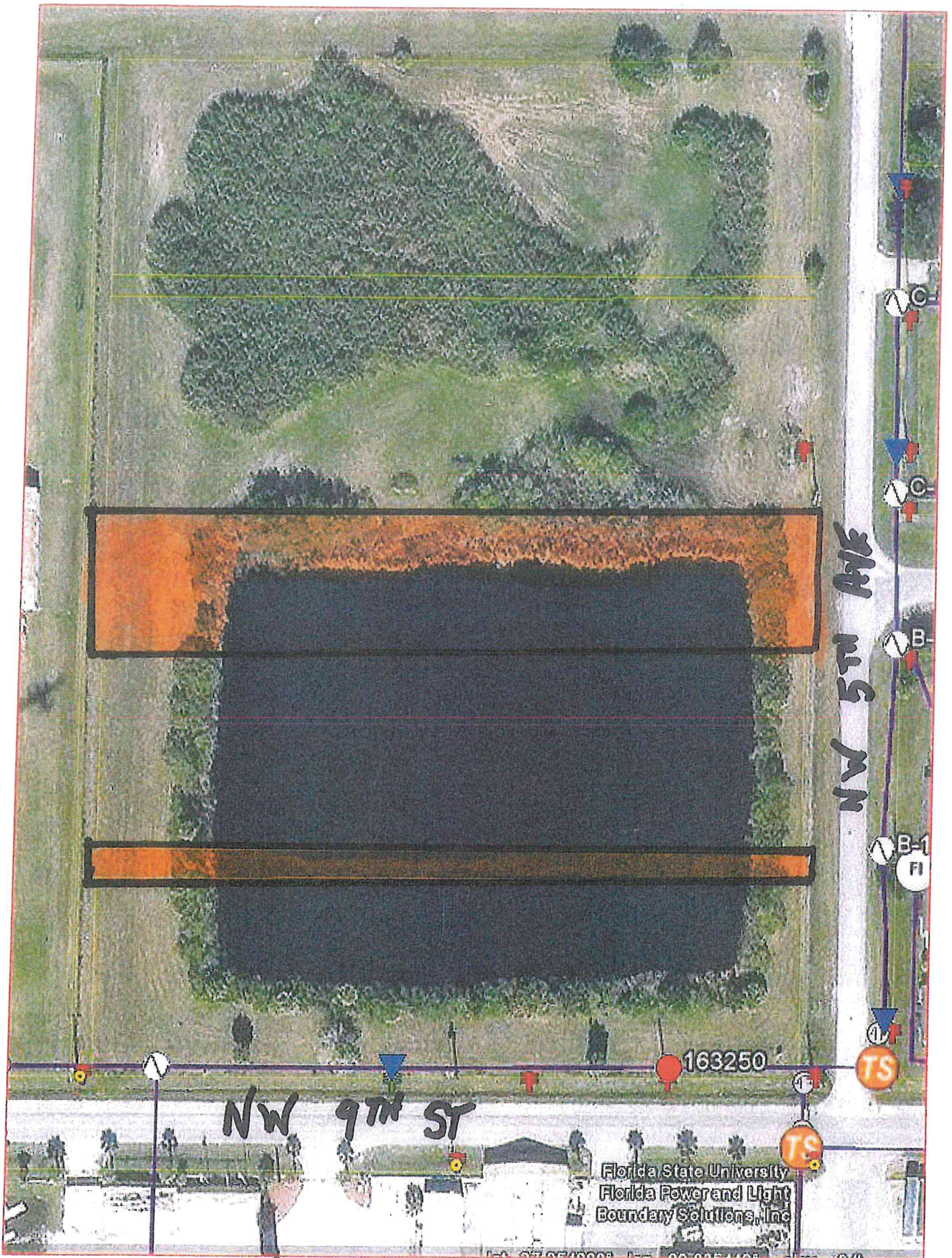
## GRAPHIC SCALE



- |      |                       |
|------|-----------------------|
| ID   | IDENTIFICATION        |
| FND  | FOUND                 |
| P.B. | PLAT BOOK             |
| PG.  | PAGE                  |
| (C)  | CALCULATED DIMENSION  |
| (P)  | PLAT DIMENSION        |
| (F)  | FIELD                 |
| OHU  | OVERHEAD UTILITY LINE |
| W    | WELL                  |
| T    | TELEPHONE PEDESTAL    |
| G    | GUY ANCHOR            |
| S    | SINGLE SUPPORT SIGN   |
| U    | UTILITY POLE          |
| M    | SANITARY MANHOLE      |







DRIVER OF NW 9TH ST & NW 5TH AVE



**CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION**  
**Utility Companies Authorization Form**

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<b>Florida Power &amp; Light</b>	
<b>863-467-3708</b>	
<b>Donna Padgett</b>	

Authorized Signature

Typed Name & Title

Phone No.

Date

**Embarq d/b/a Century Link**

**863-452-3185**

**Kenneth R. Lutz**

[ken.lutz@centurylink.com](mailto:ken.lutz@centurylink.com)

Authorized Signature

Typed Name & Title

Phone No.

Date

**Comcast Cable**

**863-763-2824**

**107 NW 7<sup>th</sup> Avenue**

Authorized Signature

Typed Name & Title

Phone No.

Date

**Okeechobee Utility Authority**

**John Hayford**

**863-763-9460**

**100 SW 5<sup>th</sup> Avenue**

Authorized Signature

Typed Name & Title

Phone No.

Date

**Florida Public Utilities**

**Dale M. Butcher**

**561-366-1635**

[dbutcher@fpuc.com](mailto:dbutcher@fpuc.com)

Authorized Signature

Typed Name & Title

Phone No.

Date

**\*REQUIRED ONLY FOR CITY OF OKEECHOBEE & FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS**

**Hamrick Estate**

**Gil Culbreth, Co-Trustee**

**863-763-3154**

Authorized Signature

Typed Name & Title

Phone No.

Date

3/20/2020

Steven L. Dobbs Engineering, LLC  
Steven L. Dobbs, P.E.  
208 NE 2<sup>nd</sup> Avenue  
Okeechobee, FL 34972



No Reservations/No Objection

**SUBJECT:**

That portion of alley, 20 feet in width, lying between Lots 1 through 10 and Lots 17 through 26, Block 39, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida

Together with:

That portion of Northwest 10th Street (formerly known per plat as Sixteenth Avenue), 100 feet in width, lying between Lots 1 through 10, Block 39 and Lots 17 through 26, Block 28, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida.

To Whom It May Concern:

Embarq Florida, Inc., d/b/a CENTURYLINK ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

Sincerely yours,

Mike Pietlukiewicz  
Contract Manager II  
CenturyLink  
P826193

5/25/2020

Steven L. Dobbs Engineering, LLC  
Steven L. Dobbs, P.E.  
208 NE 2<sup>nd</sup> Avenue  
Okeechobee, FL 34972



No Reservations/No Objection

**SUBJECT:**

That portion of alley, 20 feet in width, lying between Lots 1 through 10 and Lots 17 through 26, Block 39, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida

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To Whom It May Concern:

Embarq Florida, Inc., d/b/a CENTURYLINK ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

Sincerely yours,

  
Danett Kennedy  
Senior Manager, ROW/Network Infrastructure Services  
CenturyLink  
P826193

**CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION**  
Utility Companies Authorization Form

**Instructions:**

**Applicant:** Deliver the petition and this form to the following Utility Companies for their comments. It must be signed and dated with a contact number for each person.

**Utility Companies:** If an easement is needed, provide a complete legal description for it. The City Attorney will address it as a nonexclusive perpetual easement within the Ordinance. If there is going to be a relocated easement, provide legal of where it's to be relocated to. The City Attorney will address this in the Ordinance by denoting the relocated easement is in an attached exhibit to the Ordinance. Additionally, the effective date will be upon the City's receipt of the recorded relocated easement between the owner and utility company and provided on the utility company's form.

<b>Florida Power &amp; Light</b>	
<b>863-467-3708</b>	
<b>Donna Padgett</b>	

Authorized Signature \_\_\_\_\_ Typed Name & Title \_\_\_\_\_ Phone No. \_\_\_\_\_ Date \_\_\_\_\_

<b>Embarq d/b/a Century Link</b>	
<b>863-452-3185</b>	
<b>Kenneth R. Lutz</b>	
<b>ken.lutz@centurylink.com</b>	

Authorized Signature \_\_\_\_\_ Typed Name & Title \_\_\_\_\_ Phone No. \_\_\_\_\_ Date \_\_\_\_\_

<b>Comcast Cable</b>	
<b>863-763-2824</b>	<i>RICK JOHNSON@CABLE.COM CAST.COM</i>
<b>107 NW 7<sup>th</sup> Avenue</b>	<i>NO OBJECTION</i>

*[Signature]* *Rick Johnson* *CONSTANTIN* *COORDINATOR* *561-402-4513* *2-8-10*  
Authorized Signature \_\_\_\_\_ Typed Name & Title \_\_\_\_\_ Phone No. \_\_\_\_\_ Date \_\_\_\_\_

<b>Okeechobee Utility Authority</b>	
<b>John Hayford</b>	
<b>863-763-9460</b>	
<b>100 SW 5<sup>th</sup> Avenue</b>	

Authorized Signature \_\_\_\_\_ Typed Name & Title \_\_\_\_\_ Phone No. \_\_\_\_\_ Date \_\_\_\_\_

<b>Florida Public Utilities</b>	
<b>Dale M. Butcher</b>	
<b>561-366-1635</b>	
<b>dbutcher@fpuc.com</b>	

Authorized Signature \_\_\_\_\_ Typed Name & Title \_\_\_\_\_ Phone No. \_\_\_\_\_ Date \_\_\_\_\_

**\* REQUIRED ONLY FOR CITY OF OKEECHOBEE & FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS**

<b>Hamrick Estate</b>	
<b>Gil Culbreth, Co-Trustee</b>	
<b>863-763-3154</b>	

Authorized Signature \_\_\_\_\_ Typed Name & Title \_\_\_\_\_ Phone No. \_\_\_\_\_ Date \_\_\_\_\_



# CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION

## Utility Companies Authorization Form

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**Applicant:** Deliver the petition and this form to the following Utility Companies for their comments. It must be signed and dated with a contact number for each person.

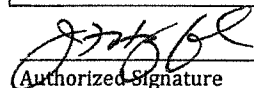
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Florida Power & Light	
863-467-3708	
Donna Padgett	

Authorized Signature	Typed Name & Title	Phone No.	Date
Embarq d/b/a Century Link			
863-452-3185			
Kenneth R. Lutz			
ken.lutz@centurylink.com			

Authorized Signature	Typed Name & Title	Phone No.	Date
Comcast Cable			
863-763-2824			
107 NW 7 <sup>th</sup> Avenue			

Authorized Signature	Typed Name & Title	Phone No.	Date
Okeechobee Utility Authority	No impact to OUA facilities		
John Hayford	Master LLC Abandonment		
863-763-9460	2019-03		
100 SW 5 <sup>th</sup> Avenue			

	John F. Hayford	Executive Director	763-9460	3/26/20
Authorized Signature	Typed Name & Title	Phone No.	Date	

Florida Public Utilities	
Dale M. Butcher	
561-366-1635	
dbutcher@fpuc.com	

Authorized Signature	Typed Name & Title	Phone No.	Date
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**\*REQUIRED ONLY FOR CITY OF OKEECHOBEE & FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS**

Hamrick Estate	
Gil Culbreth, Co-Trustee	
863-763-3154	

Authorized Signature	Typed Name & Title	Phone No.	Date
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**CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION**  
Utility Companies Authorization Form

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Florida Power & Light	
863-467-3708	
Donna Padgett	

Authorized Signature \_\_\_\_\_ Typed Name & Title \_\_\_\_\_ Phone No. \_\_\_\_\_ Date \_\_\_\_\_

Embarq d/b/a Century Link	
863-452-3185	
Kenneth R. Lutz	
ken.lutz@centurylink.com	

Authorized Signature \_\_\_\_\_ Typed Name & Title \_\_\_\_\_ Phone No. \_\_\_\_\_ Date \_\_\_\_\_

Comcast Cable	
863-763-2824	
107 NW 7 <sup>th</sup> Avenue	

Authorized Signature \_\_\_\_\_ Typed Name & Title \_\_\_\_\_ Phone No. \_\_\_\_\_ Date \_\_\_\_\_

Okeechobee Utility Authority	
John Hayford	
863-763-9460	
100 SW 5 <sup>th</sup> Avenue	

Authorized Signature \_\_\_\_\_ Typed Name & Title \_\_\_\_\_ Phone No. \_\_\_\_\_ Date \_\_\_\_\_

Florida Public Utilities	
Dale M. Butcher <i>Ivan Gibbs</i>	
561-366-1635	
dbutcher@fpuc.com / igibbs@fpuc.com	

*[Signature]* *Ivan Gibbs* *Engineering* *561-723-3459* *2/14/2020*  
Authorized Signature \_\_\_\_\_ Typed Name & Title \_\_\_\_\_ Phone No. \_\_\_\_\_ Date \_\_\_\_\_

**\*REQUIRED ONLY FOR CITY OF OKEECHOBEE & FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS**

Hamrick Estate	
Gil Culbreth, Co-Trustee	
863-763-3154	

Authorized Signature \_\_\_\_\_ Typed Name & Title \_\_\_\_\_ Phone No. \_\_\_\_\_ Date \_\_\_\_\_

**CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION**  
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Florida Power & Light	
863-467-3708	
Donna Padgett	

Authorized Signature	Typed Name & Title	Phone No.	Date
Embarq d/b/a Century Link			
863-452-3185			
Kenneth R. Lutz			
<a href="mailto:ken.lutz@centurylink.com">ken.lutz@centurylink.com</a>			

Authorized Signature	Typed Name & Title	Phone No.	Date
Comcast Cable			
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Authorized Signature	Typed Name & Title	Phone No.	Date
Florida Public Utilities			
Dale M. Butcher			
561-366-1635			
<a href="mailto:dbutcher@fpuc.com">dbutcher@fpuc.com</a>			

Authorized Signature	Typed Name & Title	Phone No.	Date
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**\*REQUIRED ONLY FOR CITY OF OKEECHOBEE & FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS**

Hamrick Estate TRUST	THE HAMRICK TRUST HAS A FEE SIMPLE INTEREST
Gil Culbreth, Co-Trustee	IN THE SUBJECT PROPERTY
863-763-3154	

Authorized Signature	Typed Name & Title	Phone No.	Date
<i>H. G. Culbreth, Jr.</i>	H. G. Culbreth, Jr. CO-TRUSTEE	863 6100265	4-15-2020







# Checklist for Abandonment of Right-of-Way

Petition No. 80-001-PC-SC

	Required Information and Attachments	Date Rcv'd	Ck'd
1	Application fee (non-refundable) \$600.00  <b>Note: (Resolution No. 98-11) Schedule of Land Development Regulation Fees and Charges</b> <b>When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.</b>	4-24-20	✓
2	Completed and signed petition		✓
3	✓ Copy of recorded deed of petitioner as well as any other property owner whose property is contiguous to the right-of-way.		✓
4	Letters of Consent or Objection. (If more than one property owner is involved and they are <b>not</b> signing the petition).		✓
5	Location map of subject property and surrounding area within 100' (See Information Request Form attached) and dimensions of right-of-way.		
6	missing List of all property owners within 300' of subject property (See Information Request Form attached)		
7	Site Plan of property after abandonment. (No larger than 11x 17)		✓
8	missing Utility Companies Authorization Form. (See attached)		
9	Copy of recorded Plat of the Subdivision where right-of-way exists no Larger than 11x17. (Can be obtained from the County Clerk's Office, Court House)		✓





## **Staff Report**

### **Right-of-Way Abandonment/Street Vacation**

*Prepared for:*            *The City of Okeechobee*

*Applicant:*                *Omar Abuaita*

*Petition No.:*            *20-001-AC-SC*



## Request

The matter before the TRC is a request to abandon two sections of public right-of-way:

1. A 20' by 512.5' ROW section totaling 10,250 square feet described as follows:

*"That portion of alley, 20 feet in width, lying between Lots 1 through 10 and Lots 17 through 26, Block 39, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the public Records of Okeechobee County, Florida.*

2. A 70' by 512.5' ROW section totaling 35,875 square feet described as follows:

*"That portion of Northwest 10th Street (formerly known per plat as Sixteenth Avenue), 70 feet in width, lying between Lots 1 through 10, Block 39 and Lots 17 through 26 Block 28, City of Okeechobee, according to the plat thereof as recorded*

In total, the abandonment request encompasses 46,125 square feet (1.06 acres) of public ROW. The vacant portion of block 39 contiguous to the subject ROWs was recently approved for a future land use map amendment and a rezoning to multifamily residential. If this request is approved, the applicant has stated their intention is to join that property to the vacant portion of block 28 to the north and construct a multifamily residential project.

## General Information

Applicant / Owner	Omar Abuaita 3000 N. Ocean Drive Unit 16F Riviera Beach, FL
Owner Phone Number	863.824.7644
Owner E-mail Address	randy@twodrunkenangoats.net
For the legal description of the project or other information regarding this application, please refer to the application submittal package which is available by request at City Hall and is posted on the City's website prior to the advertised public meeting at <a href="https://www.cityofokeechobee.com/agendas.html">https://www.cityofokeechobee.com/agendas.html</a> .	



### Characteristics of the Subject Property

	Existing	Proposed
Future Land Use Map Classification	Multi Family Residential	Multi Family Residential
Zoning District	Residential Multiple Family	Residential Multiple Family
Use of Property	Vacant	Multi-Family Apartments
Acreage	3.26	4.32

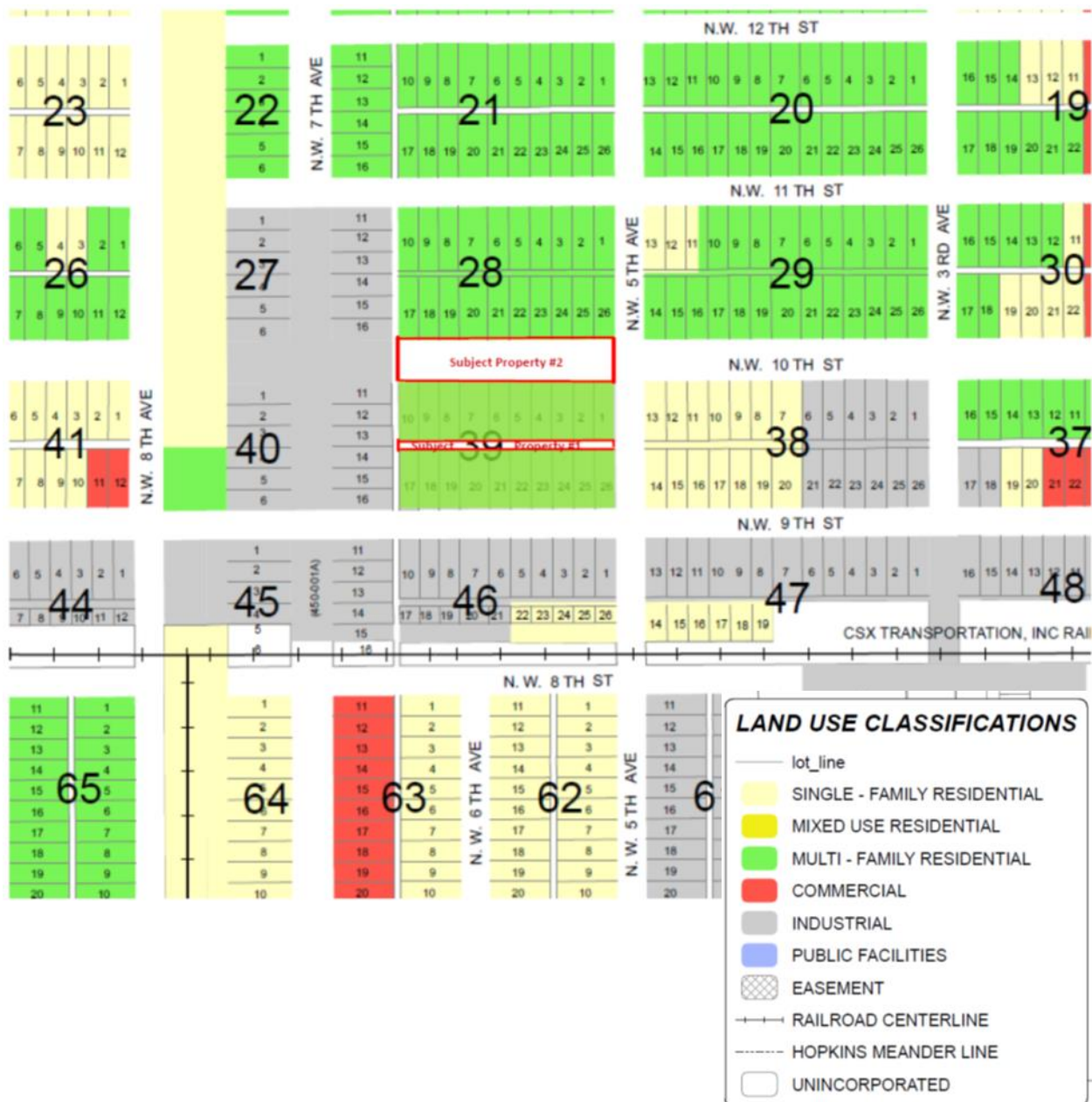
### Description of the Subject Site and Surrounding Area

The subjects of the abandonment/vacation, vacant alley (subject property #1) and unimproved right-of-way of NW 10<sup>th</sup> Street (subject property #2) are outlined in **Red**, and the existing land uses in the vicinity are shown below on the aerial photograph from the Property Appraiser's office. The Applicant owns the two parcels labeled *proposed multi-family apartments*.



## FUTURE LAND USE

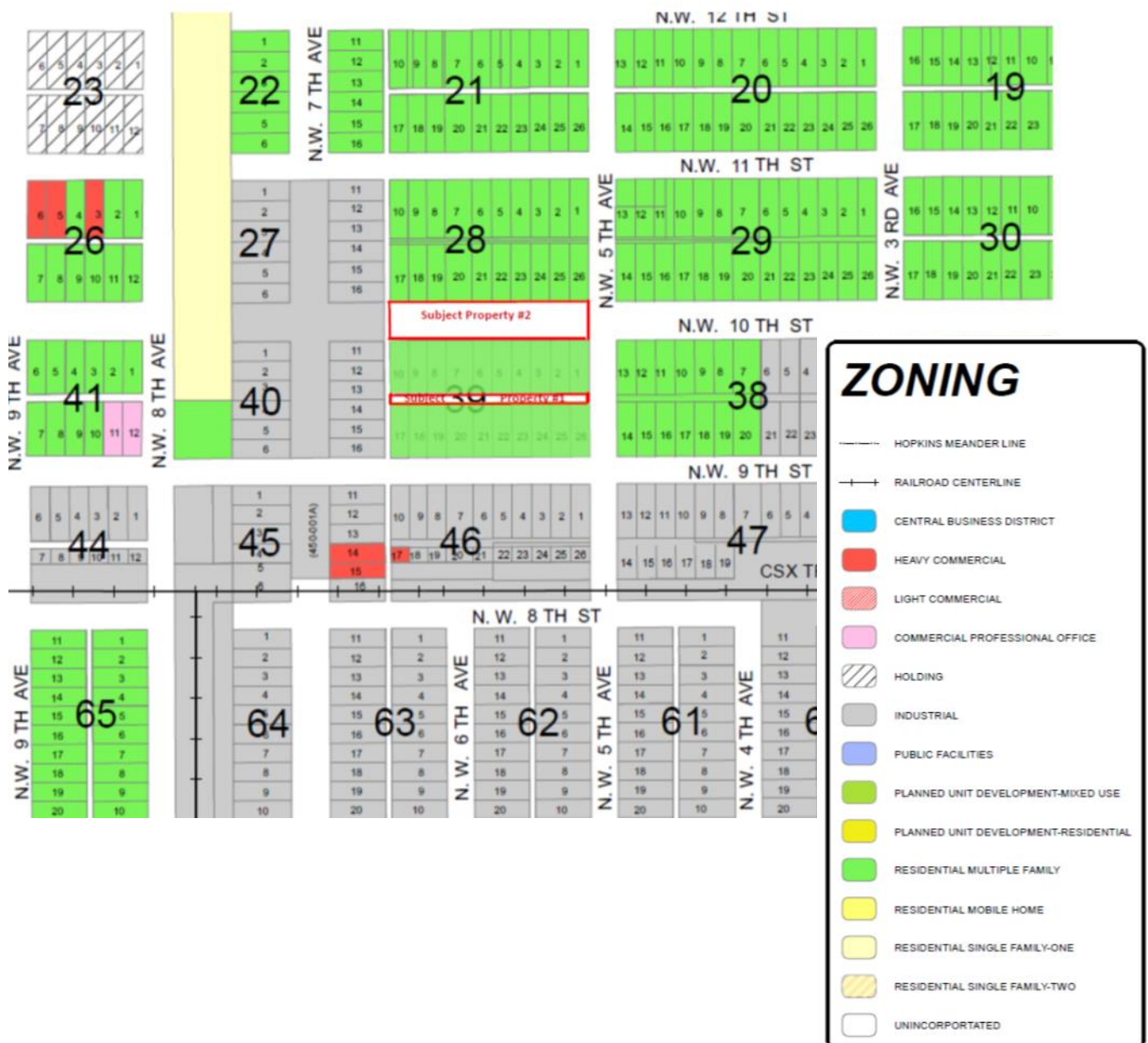
The subjects of the abandonment/vacation, vacant alley (subject property #1) and unimproved right-of-way of NW 10<sup>th</sup> Street (subject property #2) are outlined in **Red**, and the existing Future Land Use Map designations are shown on this excerpt from the City's Future Land Use Map. With the City Council recently approving a map amendment change of the Applicant's property to multi-family residential, and the property to the north designated as multi-family residential, it seems appropriate to place the same designation on the vacated property. The multi-family designation is also necessary if the Applicant is to complete the stated goal of developing a multi-family residential project at this site.





## ZONING

The subjects of the abandonment/vacation, vacant alley (subject property #1) and unimproved right-of-way of NW 10<sup>th</sup> Street (subject property #2) are outlined in **Red**, and the existing zoning designations are shown on this excerpt from the City's Zoning Map. With the City Council recently approving a zoning map change of the Applicant's property to residential multiple family, and the property to the north designated as residential multiple family, it seems appropriate to place the same designation on the vacated property. The multi-family designation is also necessary if the Applicant is to complete the stated goal of developing a multi-family residential project at this site.



### **Consistency with Sec. 78-33, Vacation of Rights-of-Way**

Sec. 78.33 states that applications to vacate an alley or public right-of-way may be approved upon a finding by the City Council that the following requirements have been met. The Applicant's responses are provided in Times Roman typeface and are repeated below exactly as provided by the Applicant. Staff has made no attempt to correct typos, grammar, or clarify the Applicant's comments. Staff Comments are in Arial typeface.

**1. *Proposed vacation is consistent with the Comprehensive Plan.***

**Applicant Comment:** "The requested road ROW and alley are currently not used for access or utilities, there is no mention of alleys in the City's Comprehensive Plan, the LDR's mention alleys in Section 86-142, which states alley may be allowed in residential districts, also in Section 70-335, which states notice of abandonment required, otherwise they are other referenced, but not concerning vacancies."

**Staff Comment:** There is nothing in the City's Comprehensive Plan concerning abandonments or vacations of rights-of-way.

**2. *Right-of-way to be vacated is not the sole access to any property, and the remaining access is not an easement***

**Applicant Comment:** "Neither ROW or alley is sole access to any property and a remaining land will not require an easement."

**Staff Comment:** Access will not be affected for any properties. Additionally, the property owner of the parcel on the north of the 10<sup>th</sup> St ROW has provided a notarized form of consent to the Applicant's request. The Applicant has provided a diagram depicting how the 10<sup>th</sup> St ROW would be divided, with the northern half going to Fosler LLC and the southern half going to Omar Abuaita, the Applicant. This arrangement makes sense as these are the only contiguous properties (NW 5<sup>th</sup> Ave lies to east of these properties and an alley separates these properties from the parcel to the west).

**3. *Proposed vacation is in the public interest and provides a benefit to the City.***

**Applicant Comment:** "The proposed vacation of ROW and alley is within a block that will become a multifamily project to provide workforce housing, which the City is in need of, so this vacation will allow the existing ROW and alley's square footage to add density to this project so more housing can be added and return the property to the tax rolls."

**Staff Comment:** The proposed right-of-way area to be vacated has not been improved to facilitate vehicular traffic. Turning over maintenance responsibility to the Applicant and adding this property to the City tax rolls will be a benefit to the City. If the property is developed according to the Applicant's stated plans, additional taxes will be collected by the City.

**4. *Proposed vacation would not jeopardize the location of any utility.***

**Applicant Comment:** “There are currently no utilities in either of the requested abandonments.”

**Staff Comment:** The Applicant has provided signed authorizations from all necessary utility entities including:

- Florida Power & Light
- Century Link (with the condition that the Applicant will bear the cost of relocation and repair of any facilities that are found and/or damaged in the vacated areas)
- Comcast
- Okeechobee Utility Authority
- Florida Public Utilities

## Recommendation

Based on the foregoing information and analysis, we believe, from a planning perspective, that the requested alley vacation/abandonment can be considered consistent with the requirements of Sec. 78-33. Staff recommends **approval** of this request.

Submitted by:



Benjamin L. Smith, AICP  
Sr. Planner, LaRue Planning

May 29, 2020

TRC Meeting: June 18, 2020

PB/BOA Meeting: July 16, 2020

City Council 1<sup>st</sup> Reading: (tentative) August 4, 2020

City Council 2<sup>nd</sup> Reading and Public Hearing: (tentative) September 1, 2020