



## 13839 Barberry Drive Vacation

## STAFF REPORT

**Petition Number(s)/Types:** 2022-0011 VAC  
Resolution AC2022-02

**Owner/Applicant:** Alfonso and Karina Suarez  
13839 Barberry Drive  
Wellington, FL 33414

**Site Address:** 13839 Barberry Drive

**PCN:** 73-41-44-04-01-026-0060

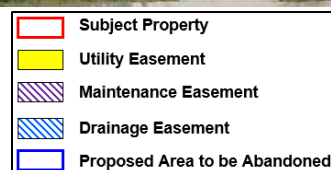
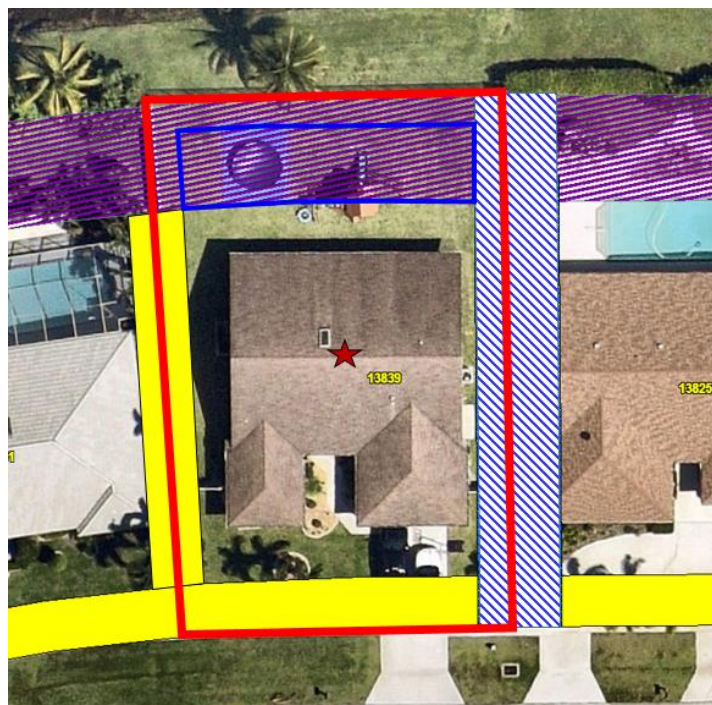
**Future Land Use Designation (FLUM):** Residential D  
(3.01 du – 5.0 du/ac)

**Zoning Designation:** Planned Unit Development (PUD)

**SF to be vacated:** 1208.4 square feet

**Request:** The property owners are requesting to abandon an 18-foot wide portion of a 25-foot wide Maintenance Easement, totaling approximately 1,208.4 square feet, to construct a pool.

**Project Manager:**  
Kelly Ferraiolo, Senior Planner  
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Adjacent Property	FLUM	Zoning
North	Residential D	PUD
South		
East		
West		

### Site History and Current Request:

The subject property is located within Sugar Pond Manor approximately 450 feet east of the Barberry Drive and Exotica Lane intersection (Exhibit A – Survey) and was purchased by the current owner in June 2018. The maintenance easement was dedicated to the Acme Improvement District for lake/canal maintenance purposes. The property consists of a single family residence and a fenced in yard. The 18-foot wide portion of the maintenance easement to be abandoned is shown in blue in the aerial above and in Exhibit B – Maintenance Easement Sketch and Description. The owner applied for this abandonment in order to construct a pool and paver patio within the easement that is proposed to be abandoned (Exhibit C – Proposed Pool and Patio Layout).

### ANALYSIS:

Wellington's Code of Ordinances Chapter 54, Section 54(b) "Petitions for abandonment of rights-of-way and easements for utility, drainage, or maintenance purposes", allows a property owner to petition Wellington to abandon, vacate, discontinue, or close any existing easement following Wellington's prescribed application. The areas of abandonment are maintenance and utility easements, not a right-of-way; and therefore, does



not require consent from the abutting property owners, but only public hearing and a notice of intent to abandon through local newspaper publication.

The Engineering Services Department, Utilities Department, and Planning Department have no objections to abandon the easement. The proposed area to be abandoned is depicted on the Sketch and Description shown in Exhibit B prepared by Clyde O. McNeal, Registered Land Surveyor with Nexgen Surveying (Florida Certificate No. 2883).

The Engineering Services Department, Utilities Department, and Planning Department have determined the request to abandon an 18-foot wide portion of a 25-foot wide Maintenance Easement, totaling approximately 1,208.4 square feet, located within 13839 Barberry Drive, is consistent with the public interest and has determined there is no future need for the easement for maintenance purposes. The Legal Department has reviewed the application documents and determined that they are legally sufficient. The Maintenance Easement was dedicated to the Acme Improvement District, and as such, the Resolution for the abandonment proposed for adoption is by the Acme Board of Supervisors.

**STAFF RECOMMENDATION:**

Staff recommends approval of Petition 2022-0011 VAC to abandon an 18-foot wide portion of a 25-foot wide Maintenance Easement (Resolution No. AC2022-02), totaling approximately 1,208.4 square feet, located within 13839 Barberry Drive, as depicted in Exhibit B.

**Lists of Exhibits:**

Exhibit A – Survey

Exhibit B – Maintenance Easement Sketch and Description

Exhibit C – Proposed Pool and Patio Layout