



14318 BLACKBERRY DRIVE VACATION

STAFF REPORT

Petition Number(s)/Types: 2020-0007 VAC
Resolution AC2021-08

Owner/Applicant: Michael Totino and Nicole Chao
14318 Blackberry Drive
Wellington, FL 33414

Site Address: 14318 Blackberry Drive

PCN(s): 73-41-44-01-01-013-0020

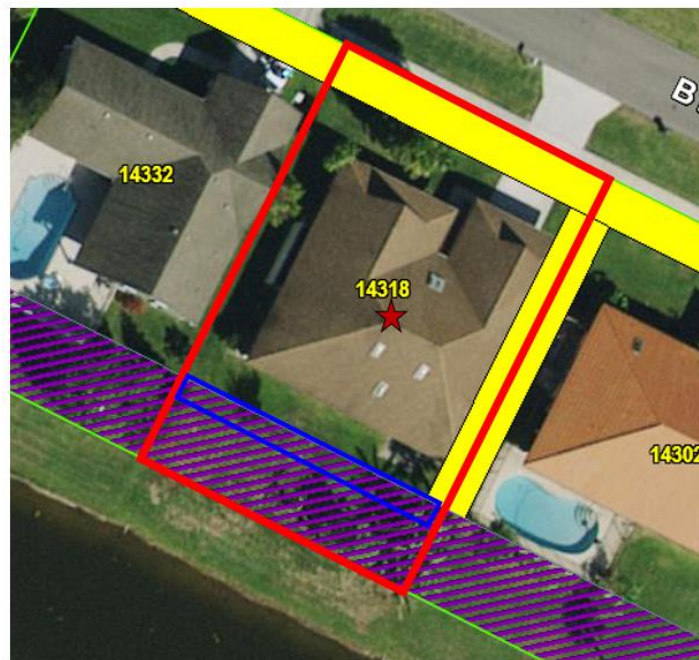
Future Land Use Designation (FLUM): Residential D
(3.01 du – 5.0 du/ac)

Zoning Designation: Agricultural Residential/Special
Exception/Planned Unit
Development (AR/SE/PUD)

SF to be vacated: 400 square feet

Request: The property owners are requesting to abandon
a five (5) foot portion of a 25 foot wide
Maintenance Easement, totaling approximately
400 square feet, to construct a pool.

Project Manager:
Kelly Ferraiolo, Senior Planner
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- 12' Utility Easement
- 25' Maintenance Easement
- Subject Property
- Area to be abandoned

Adjacent Property	FLUM	Zoning
North	Residential D	AR/SE/PUD
South	Residential D	AR/SE/PUD
East	Residential D	AR/SE/PUD
West	Residential D	AR/SE/PUD

Site History and Current Request:

The subject property is located within Sugar Pond Manor approximately 90 feet west of the Horseshoe trace and Blackberry Drive intersection (Exhibit A – Survey) and was purchased by the current owner in March 2021. 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 5 foot 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 to construct a pool and paver patio within the easement that is proposed to be abandoned (Exhibit C – Proposed Pool and Patio Layout).

Analysis:

The Wellington 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, Utilities, and Planning Departments 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, Utilities, and Planning Departments determined the request to abandon a five (5) foot portion of a 25 foot wide Maintenance Easement, totaling approximately 400 square feet, located within 14318 Blackberry Drive, are consistent with the public interest and determined there is no future need for the easements for maintenance or utility purposes. The Legal Department 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 2020-0007 VAC to abandon a five (5) foot portion of a 25 foot wide Maintenance Easement (Resolution No. AC2021-08), totaling approximately 400 square feet, located within 14318 Blackberry 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